

ACTS OF THE PARLIAMENT OF SOUTH
AUSTRALIA

—
1962



ACTS
OF
THE PARLIAMENT
OF
SOUTH AUSTRALIA

1962

With Tables and Indexes.

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1963

Table of Contents

	Page.
Alphabetical lists of Acts passed in the year 1962	vii.
Acts passed in the year 1962	1
Table of Public General Acts in force	551
Table of Public Acts of Restricted Application in force	642
Table of Private Acts in force	651
Table of Acts repealed since April, 1937	655
Table of Acts affected by Amendment or Judicial Decision	661
Table of Regulations, Rules, By-laws, Proclamations, and Notices in force..	751
Index to Acts passed in the year 1962	817
Index to the Companies Act, 1962	829

Alphabetical list of Acts passed in the Year 1962

	Page.
Aboriginal Affairs Act, 1962	134
Appropriation Act (No. 1), 1962	3
Appropriation Act (No. 2), 1962	25
Banks Statutory Obligations Amendment Act, 1962	85
Barley Marketing Act Amendment Act, 1962	147
Births and Deaths Registration Act Amendment Act, 1962.....	149
Bulk Handling of Grain Act Amendment Act, 1962	17
Cattle Compensation Act Amendment Act, 1962	89
Civil Aviation (Carriers' Liability) Act, 1962	32
Companies Act, 1962	181
Dog Fence Act Amendment Act, 1962	153
Education Act Amendment Act, 1962	53
Electoral Districts (Re-division) Act, 1962	94
Electricity (Country Areas) Subsidy Act, 1962	9
The Electricity Trust of South Australia (Torrens Island Power Station) Act, 1962	81
Excessive Rents Act, 1962	173
Explosives Act Amendment Act, 1962	55
Fisheries Act Amendment Act, 1962	99
Food and Drugs Act Amendment Act, 1962	36
Harbors Act Amendment Act, 1962	103
Hire Purchase Agreements Act Amendment Act, 1962	105
Homes Act Amendment Act, 1962	57
Hospitals Act Amendment Act, 1962	37
Housing Loans Redemption Fund Act, 1962	59
Impounding Act Amendment Act, 1962	66
Institute of Medical and Veterinary Science Act Amendment Act, 1962	38
Loans to Producers Act Amendment Act, 1962	71
Local Courts Act Amendment Act, 1962	39
Marine Act Amendment Act, 1962	534
Mental Health Act Amendment Act, 1962	73
Mental Health Act Amendment Act, (No. 2) 1962	76
Metropolitan and Export Abattoirs Act Amendment Act, 1962	30
Metropolitan Drainage Works (Investigation) Act, 1962.....	41
Mines and Works Inspection Act Amendment Act, 1962	52
Mining Act Amendment Act, 1962	78
Motor Vehicles Act Amendment Act, 1962	43
Motor Vehicles Act Amendment Act (No. 2), 1962	155
Oriental Fruit Moth Control Act, 1962.....	19

Alphabetical list of Acts passed in the Year 1962—*continued.*

	Page.
Parliamentary Superannuation Act Amendment Act, 1962	108
The Poppy Day Trust Deed Act, 1962	159
Prices Act Amendment Act, 1962	111
Public Purposes Loan Act, 1962	11
Red Scale Control Act, 1962	112
Registration of Deeds Act Amendment Act, 1962	45
Sale of Human Blood Act, 1962	47
San José Scale Control Act, 1962	118
Sewerage Act Amendment Act, 1962	164
Stock Diseases Act Amendment Act, 1962	124
Supply Act (No. 1), 1962	1
Supply Act (No. 2), 1962	5
Supply Act (No. 3), 1962	7
Supreme Court Act Amendment Act, 1962	167
Swine Compensation Act Amendment Act, 1962	126
Unclaimed Moneys Act Amendment Act, 1962.....	50
Vermin Act Amendment Act, 1962	131
Waterworks Act Amendment Act, 1962.....	168
Weights and Measures Act Amendment Act, 1962.....	171



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 1 of 1962

An Act to apply, out of the General Revenue, the sum of Six Million Pounds to the Public Service for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-three.

[Assented to 3rd May, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Supply Act (No. 1), 1962". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, one thousand nine hundred and sixty three, any moneys not exceeding in the whole six million pounds. Issue and application of £8,000,000.

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, one thousand nine hundred and sixty-two : Provided that there may be paid out of the said moneys increases of salaries or wages fixed or prescribed by any return made under any Act relating to the public service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries. Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 2 of 1962

An Act for the further appropriation of the revenue of the State for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-two, and for other purposes.

[Assented to 3rd May, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Appropriation Act (No. 1), 1962". Short title.

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued, in addition to all sums by any other Act authorized to be issued and applied for defraying the charges of the State Government for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-two, any further sum or sums not exceeding in the whole one million two hundred and ninety thousand pounds. Further issue.

3. All moneys issued under this Act, not exceeding the sum hereinbefore mentioned shall be applied and appropriated for the following purposes :— Appropriation of General Revenue issued under this Act.

1962.	Appropriation Act (No. 1), 1962.	No. 2.
Chief Secretary and Minister of Health—		£
Hospitals Department		40,000
Miscellaneous		100,000
Treasurer and Minister of Immigration—		
Miscellaneous		645,000
Minister of Works—		
Engineering and Water Supply Department . . .		150,000
Public Works		145,000
Minister of Education—		
Education Department		120,000
Minister of Agriculture and Minister of Forests—		
Agriculture Department		15,000
Minister of Mines—		
Mines Department		30,000
Minister of Railways—		
Railways Department		30,000
Minister of Roads and Local Government—		
Miscellaneous		15,000
		£1,290,000

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than Revenue or money received from the Commonwealth.

5. If the moneys paid by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 3 of 1962

An Act to apply, out of the General Revenue, a further sum of Six Million Pounds to the Public Service for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-three.

[Assented to 2nd August, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Supply Act (No. 2), 1962". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending the thirtieth day of June, one thousand nine hundred and sixty three, in addition to any moneys so issued and applied pursuant to the Supply Act (No. 1), 1962, any moneys not exceeding in the whole six million pounds.

Issue and application of £6,000,000

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, one thousand nine hundred and sixty-two : Provided that there may be paid out of the said moneys increases of salaries or wages fixed or prescribed by any return made under any Act relating to the public service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries.

Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 4 of 1962

An Act to apply, out of the General Revenue, a further sum of Eight Million Pounds to the Public Service for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-three.

[Assented to 6th September, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This act may be cited as the "Supply Act (No. 3), 1962". Short title.

2. Out of the General Revenue of the State there shall be issued and applied, from time to time, for the public service of the State for the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty three, in addition to any moneys so issued and applied pursuant to the Supply Acts (Nos. 1 and 2), 1962, any moneys not exceeding in the whole eight million pounds. Issue and application of £8,000,000.

3. (1) No payments for any establishment or service shall be made out of the said moneys in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended on the thirtieth day of June, one thousand nine hundred and sixty-two : Provided that there may be paid out of the said moneys increases of salaries or wages fixed or prescribed by any return made under any Act relating to the public service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries. Payments not to exceed last year's Estimates except in certain respects.

(2) The Treasurer is hereby authorized to pay such increases out of the said moneys.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 5 of 1962

An Act to provide for the payment of subsidies to Electricity Undertakings providing public supplies of electricity in country areas.

[Assented to 13th September, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Electricity (Country Areas) Subsidy Act, 1962". Short title.

2. (1) From the surplus moneys in the Consolidated Revenue Account of the Treasurer for the financial year ended on the thirtieth day of June, one thousand nine hundred and sixty-two the Treasurer shall pay to the Electricity Trust of South Australia (hereinafter referred to as "the Trust") five hundred thousand pounds for the purposes of this Act. The said moneys are hereby appropriated accordingly. Appropriation.

(2) In addition to the moneys to be paid to the Trust in pursuance of subsection (1) of this section the Treasurer may during the five financial years mentioned in section 3 of this Act pay to the Trust further sums not exceeding in the aggregate one hundred thousand pounds for the purposes of this Act out of the general revenue of the State. This Act shall without further appropriation be authority for the making of any such payments.

3. Out of the moneys so paid to it, and any further moneys which may be provided by Parliament for the purpose, the Trust shall during each of the five financial years commencing Payments by Electricity Trust.

with the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-three, credit to its own revenues such sums, and pay to other country electricity suppliers such amounts, as the Treasurer may from time to time direct and upon such terms and conditions as the Treasurer shall determine: Provided that the aggregate amount which shall be credited to the revenues of the Trust in pursuance of this section shall be three hundred thousand pounds and such additional amounts as the Treasurer may direct in respect of any country electricity undertakings which the Trust takes over during the said five financial years.

Interpretation.

4. For the purposes of this Act "country electricity supplier" means the Electricity Trust of South Australia and any department of the Commonwealth, person, or corporation (including a municipal or district council), approved by the Treasurer, which provides public supplies of electricity in country areas outside the areas in which the Trust applies its Zone I Tariff as at the date of commencement of this Act.

Annual Report.

5. Within three months after the close of each of the financial years mentioned in section 3 of this Act the Auditor-General shall furnish to the Treasurer a report upon the operation of this Act and every such report shall be laid as soon as possible before both Houses of Parliament.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 6 of 1962

An Act to authorize the Treasurer to borrow and expend money for public works and purposes, and to enact other provisions incidental thereto.

[Assented to 4th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Public Purposes Loan Act, 1962". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"the financial agreement" means the Financial Agreement made between the Commonwealth and all the States and set out in the schedule at the end of the Amending Financial Agreement Act, 1944 :

"the loan fund" means the moneys mentioned in section 3 of this Act :

"schedule" means schedule to this Act.

3. For the purposes of this Act the loan fund shall consist of— The loan fund.

(a) any money standing to the credit of the loan fund in the Treasury at the commencement of this Act ;

- (b) all money received after the commencement of this Act by the Treasurer in repayment of advances made, or money expended, out of money borrowed under any Act ;
- (c) all surplus revenue applied after the commencement of this Act to loan accounts in accordance with section 30 of the Public Finance Act, 1936-1960 ;
- (d) the money borrowed under this Act.

Power to borrow.

4. The Treasurer may arrange for the sum of twenty-seven million pounds to be borrowed on behalf of the State in accordance with the financial agreement.

Issue and application of money from loan fund.

5. (1) There may be issued out of the loan fund any sums not exceeding thirty million six hundred and forty-seven thousand pounds.

(2) The sums so issued shall be applied for the purposes mentioned in the first schedule.

(3) If the amount mentioned in any line of the first schedule as the proposed expenditure for the work or purpose mentioned in that line is insufficient for that work or purpose, the Treasurer may issue additional money from the loan fund for that work or purpose but so that the total amount issued under this Act from the loan fund during the financial year ending on the thirtieth day of June one thousand nine hundred and sixty-three for works and purposes mentioned in the first schedule shall not exceed thirty million six hundred and forty-seven thousand pounds.

Loans to recoup money advanced under Public Finance Act.

6. (1) The Treasurer may, in addition to the other amounts authorized by this Act to be borrowed, arrange for the borrowing on behalf of the State in accordance with the financial agreement of a sum of one million one hundred and fifty-one thousand pounds being the amount advanced by the Treasurer pursuant to subsection (2) of section 32b of the Public Finance Act, 1936-1960.

(2) There may be issued out of the loan fund a further sum not exceeding one million one hundred and fifty-one thousand pounds.

(3) The sums so issued shall be applied for the purposes mentioned in the second schedule.

7. The Treasurer may—

Flotation
expenses.

- (a) in addition to the other amounts authorized by this Act to be borrowed, arrange for the borrowing on behalf of the State in accordance with the financial agreement of a sum equal to the discounts, charges and expenses incurred in connection with the borrowing of money under this Act ;
- (b) issue a sum equal to those discounts, charges and expenses out of the loan fund, and apply the sum so issued in payment of those discounts, charges and expenses.

8. If the money in the loan fund is at any time insufficient for the purpose of carrying out the works and purposes mentioned in the first schedule the Treasurer may use other money in his hands for those purposes, but any money so used shall be repaid from the loan fund as soon as there is sufficient money in that fund to make the repayment.

Temporary
finance for
loan works.

9. (1) The Treasurer may arrange to borrow, during the period between the thirtieth day of June, one thousand, nine hundred and sixty-three, and the commencement of the Act authorizing the raising and expenditure of loan money for the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-four, on behalf of the State in accordance with the financial agreement any sums not exceeding ten million pounds.

Power to
borrow and
apply loan
money in
1963-1964.

(2) There may be issued out of the loan fund during the said period any sums not exceeding ten million pounds.

(3) Any sum so issued shall be applied to meet expenditure on all or any of the loan undertakings mentioned in the first schedule during the said period and the amount to be allocated to each such undertaking shall be determined by the Treasurer.

10. The Treasurer may during each of the financial years commencing on the first day of July one thousand nine hundred and sixty-two, and on the first day of July one thousand nine hundred and sixty-three, borrow in accordance with the Financial Agreement—

Power to
borrow against
Treasury Bills
or by overdraft.

- (a) any sum or sums against the issue of Commonwealth Treasury Bills, for the purpose of financing any temporary deficit in the Consolidated Revenue Account of the State, provided that any amounts

so borrowed shall be repaid on or before the thirtieth day of June next following the date of the borrowing; and

- (b) any sum or sums not exceeding five hundred thousand pounds for any purpose by way of overdraft from the Reserve Bank of Australia, provided that any amounts so borrowed shall be repaid on or before the last day of the calendar month during which they are borrowed.

Duration of Act.

11. The authority to borrow money and to issue and apply money from the loan fund, given by sections 4 and 5, of this Act shall cease on the thirtieth day of June, one thousand nine hundred and sixty-three.

Authority to spend Commonwealth Aid Roads Grants.

12. All money received by the State from the Commonwealth by way of grants under the Commonwealth Aid Roads Act, 1959, or any amendment thereof, or any Act substituted therefor, shall be paid to a special account in the books of the Treasurer, and the Treasurer shall on the request of the Minister of Roads issue and pay out of the money so credited such sums as are required for purposes specified in the said Act.

Commencement of Act.

13. This Act shall be deemed to have come into operation on the first day of July, one thousand nine hundred and sixty-two.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

SCHEDULES.

FIRST SCHEDULE.

Amounts Proposed to be Expended from the Loan Fund During the Financial Year Ending 30th June, 1963.

Loan Undertakings.	Estimated Expenditure.
	£
STATE BANK.	
Advances for Homes	300,000
Loans to Producers	220,000
Advances to Settlers	100,000
Loans for Fencing and Water Piping	20,000
Student Hostels	150,000
HIGHWAYS AND LOCAL GOVERNMENT.	
Roads and Bridges	550,000
LANDS.	
Land Repurchase for Closer Settlement	1,000
Crown Lands Development Act	14,000
Lands Department—Buildings, plant, etc.	25,000
IRRIGATION AND DRAINAGE.	
Irrigation and Reclamation of Swamp Lands	180,000
South-Eastern Drainage	468,000
Renmark Irrigation Trust—Loan to	25,000
WOODS AND FORESTS.	
Afforestation and Timber Milling	1,150,000
RAILWAYS.	
Railway Accommodation	2,330,000
HARBORS BOARD.	
Harbors Accommodation	1,907,000
ENGINEERING AND WATER SUPPLY.	
Waterworks and Sewers	11,400,000
River Murray Weirs, Dams, Locks, Etc.	60,000
PUBLIC BUILDINGS.	
Government Buildings and Land	8,600,000

Amounts Proposed to be Expended from the Loan Fund During the Financial Year Ending 30th June, 1963—continued.

Loan Undertakings.	Estimated Expenditure.
MISCELLANEOUS.	
Expenses and Discounts of Floating Conversion and Public Loans	100,000
Temporary and Emergency Housing Accommodation	1,000
South Australian Housing Trust—Loan to	50,000
Electricity Trust of South Australia—Loan to	2,300,000
Leigh Creek Coal Field	50,000
Mines Department—Buildings, Plant, Etc.	125,000
Public Parks Act—Purchase of Land	1,000
Printing and Stationery Department—Plant, Machinery, Stores, Etc.	30,000
Produce Department—Buildings, Plant, Etc.	18,000
Fishing Havens	40,000
Education Department—School Buses	132,000
South-western Suburbs Drainage	300,000
Total	£30,647,000

SECOND SCHEDULE.

Advances by the Treasurer authorized by Warrants issued since the Commencement of the Public Purposes Loan Act, 1961, pursuant to Section 32b of the Public Finance Act, 1936-1960.

Loan Undertakings.	Advances.
£	
Student Hostels	100,000
Waterworks and Sewers	822,000
Government Buildings and Land	229,000
Total	£1,151,000



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 7 of 1962

An Act to amend the Bulk Handling of Grain Act,
1955-1961

[Assented to 11th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Bulk Handling of Grain Act Amendment Act, 1962". Short titles.

(2) The Bulk Handling of Grain Act, 1955-1961, as amended by this Act, may be cited as the "Bulk Handling of Grain Act, 1955-1962".

(3) The Bulk Handling of Grain Act, 1955-1961, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is inserted in the principal Act, after section 4a thereof :— Enactment of principal Act, s. 4.

4b. (1) In addition to any guarantee executed by the Treasurer pursuant to sections 4 and 4a of this Act, the Treasurer may execute a guarantee in favour of the Commonwealth Trading Bank of Australia for the repayment of any sum not exceeding two hundred thousand pounds being the whole or any part of any loan (other than a loan made in pursuance of the provisions of either of Guarantee by Treasurer.

the said sections) by that Bank to the company on the security of a mortgage or charge over the assets of the company.

(2) The guarantee shall contain such terms and conditions as are agreed upon between the Treasurer and the said bank.

(3) If any sum becomes payable to the said bank by the Treasurer under a guarantee given pursuant to this section, the Treasurer may pay that sum out of the general revenue of the State.

This section, without other appropriation, shall be sufficient authority for making any such payment.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 8 of 1962

An Act to provide for the control and eradication of Oriental Fruit Moth and for other purposes.

[Assented to 11th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Oriental Fruit Moth Control Act, 1962". Short title.

2. This Act shall come into force on a day to be fixed by the Governor by proclamation. Commencement.

3. In this Act, unless the context otherwise requires— Interpretation.
 - "Committee" means an Oriental Fruit Moth Committee appointed by the Minister pursuant to section 7 of this Act :
 - "district" means an area declared by the Governor to be a district under section 4 of this Act :
 - "host tree" means all or any of the following trees, namely, almond tree, apricot tree, peach tree, pear tree, nectarine tree and plum tree :
 - "orchard" means any area of land on which not less than forty host trees are growing :
 - "Oriental Fruit Moth" means the insect pest known as *Cydia Molesta* or "Oriental Fruit Moth":

“tree”, “vine”, “shrub” and “plant” respectively shall include the fruit or other product of the tree, vine, shrub or plant and any or every part of the tree, vine, shrub or plant and of the fruit or product thereof.

Declaration of districts.

4. The Governor may by proclamation declare any area in the State to be a district for the purposes of this Act. The Governor may at any time amend or revoke any such proclamation.

Orchards to be registered.

5. Subject to this Act and the regulations every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture.

Poll for constitution of Oriental Fruit Moth Committee.

6. (1) The Minister may, whenever it appears expedient so to do, direct that a poll be held within a district on the question whether an Oriental Fruit Moth Committee shall be appointed for that district.

(2) The Returning Officer for the State shall conduct the poll upon the day fixed by the Minister.

(3) Every person who at least twenty-one days before such day shall be registered pursuant to section 5 of this Act as the owner or keeper of an orchard within the district shall be qualified to vote at the poll : Provided that where two or more persons are so registered only one of such persons shall be qualified to vote at the poll ; such person shall be that one of their number nominated by the owners or occupiers concerned at the time of registration. The Minister shall prepare and supply for the Returning Officer of the State a list of all persons so qualified to vote and the persons whose names appear on that list and no others shall be entitled to vote at the poll.

(4) The poll shall be conducted by postal vote and each voter shall have one vote.

(5) Subject to this Act and the regulations the poll shall be conducted in such manner as the Returning Officer for the State deems proper.

(6) The Governor may make regulations prescribing any matters necessary or convenient for or in connection with any poll to be held under this section.

Result of Poll.

7. If on a poll being taken pursuant to section 6 of this Act at least sixty per centum of those persons who vote on the question being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the appointment of a committee for the district, the following provisions shall operate and have effect :—

- (a) the Minister shall, by notice in the *Gazette*, appoint and name an Oriental Fruit Moth Committee for the district ;
- (b) such Committee shall consist of five members, four of whom shall be persons who were entitled to vote at the poll and who may at the Minister's discretion be nominated by such growers' organization or association within the district as the Minister shall approve ; the fifth member of the Committee shall be nominated by the Minister and shall be the chairman of the Committee ; each member shall hold office for a term of three years and shall be eligible for reappointment from time to time ;
- (c) the Governor may make regulations prescribing the holding of, and procedure at, meetings of the Committee, the filling of casual vacancies, and the payment out of the funds of the Committee of fees and allowances to members of the Committee for their services as such.

Constitution of
Oriental Fruit
Moth Com-
mittees.

8. (1) The Minister shall when requested so to do by a petition signed by not less than ten per centum of the persons registered as owners or keepers of orchards within a district, direct that a poll be held within the district on the question whether the Committee for that district should be dissolved. The provisions of subsections (2), (3), (4), (5) and (6) of section 6 shall apply in respect of any such poll.

Poll for
dissolution
of Committee.

(2) If on the taking of such a poll at least sixty per centum of those persons who vote on the question, being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the dissolution of the committee for the district the committee shall proceed to wind up its affairs and when the affairs of the committee are wholly wound up all moneys and other assets held by the Committee shall become the property of Her Majesty and shall be dealt with as the Minister directs.

(3) No petition under this section shall be presented within a period of three years after the holding of a poll under this section.

9. A Committee shall have the following powers, namely :—

Powers of
Committees.

- (a) to take all such steps as the Committee shall deem fit for the control and eradication of Oriental Fruit Moth within the district ;
- (b) by any person or persons authorized in writing by the Committee under the hand of its Chairman to enter upon any land or premises within the district and

for the purpose of controlling and eradicating Oriental Fruit Moth, to bait, spray, fumigate, prune or otherwise treat all or any trees, vines, shrubs and plants therein with such materials and by such methods as the Committee shall from time to time on the recommendation of the Director of Agriculture determine ;

- (c) to establish and administer a fund to consist of moneys received pursuant to this Act ;
- (d) to purchase, hire, or acquire, plant, equipment and materials ;
- (e) to borrow money to enable it to exercise any of the powers or functions conferred on it by this Act and to give security over any of its assets for repayment of money so borrowed ;
- (f) to appoint and engage such officers and employees as the Committee shall think fit and to remunerate them with moneys from the fund ;
- (g) to demand and recover payment of fees and charges from the owner or occupier of any land or premises in the district for any treatment carried out by or on behalf of the Committee in pursuance of this Act and to fix any accounting period in relation to the liability for and payment of those fees and charges ;
- (h) to estimate the fees and charges payable in respect of an accounting period so fixed, by any such owner or occupier and demand and recover from him one half of those fees and charges at the commencement of that period and the balance of those fees and charges not earlier than four months thereafter ;
- (i) to refund to, or demand and recover from such owner or occupier, so soon as it can be ascertained, the amount by which the estimate of the fees and charges is greater or less as the case may be than the assessment of the fees and charges ;
- (j) to commence and maintain by and in the name of the Chairman of the Committee proceedings against, and to recover from any owner or occupier any such fees and charges by action in the local court nearest to the land or premises in respect of which such charge shall have been made, provided that the Committee may, in its discretion, waive or settle any such charges ;
- (k) such other powers, not inconsistent with this Act, as may be prescribed.

10. (1) A Committee may, by notice in the *Gazette* from time to time require persons who are registered under this Act in the district for which the Committee is appointed to pay to the Committee contributions in such amounts or at such rates as the Minister shall from time to time approve towards the general costs of the administration of this Act by the Committee.

Contributions
to Committees.

(2) The notice shall specify the persons or classes of persons who are required to pay contributions, the amount of the contributions or the manner in which they are computed and the time on or before which they must be paid.

(3) The Committee shall, by post or personal service, give to every person liable to contribute under this section a written notice of the amount payable by him and the time when that amount is to be paid, and if the Committee decides that contributions may be paid by instalments, the notice shall also state the amount of the instalments and the times when they are to be paid. The contribution shall be payable in accordance with the notice.

(4) If any contribution or instalment thereof is not paid in full as and when it becomes payable, the Committee may by and in the name of the Chairman of the Committee recover the amount owing, as a debt, by action in any court of competent jurisdiction.

11. A person shall not obstruct, interfere with or wilfully delay a Committee or any officer or employee of a Committee or any person or persons authorized in writing by the Committee in the execution of any of his duties or powers under this Act.

Obstruction of
Committees.

12. All acts and proceedings of a Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or at the time of the act or proceeding there was a vacancy in the office of any member, be as valid as if all the members had been duly appointed and had acted as members of the Committee and as if the Committee had been properly and fully constituted.

Validity of acts
of Committee.

13. Neither a Committee nor any member, officer or employee thereof or person authorized in writing by it shall be liable except in respect of any wilful neglect or default to any legal proceedings for anything done in pursuance of this Act.

Protection to
Committees.

**General
penalty.**

14. Every person who contravenes or fails to comply with any provision of this Act or the regulations whether by act or omission shall be guilty of an offence and liable on conviction of a fine not exceeding one hundred pounds.

**Summary
procedure.**

15. Proceedings for offences against this Act shall be heard and determined summarily.

Regulations.

16. The Governor may make regulations not inconsistent with this Act prescribing all matters required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 9 of 1962

An Act for the general appropriation of the revenue of the State for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-three, and for other purposes.

[Assented to 18th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. This Act may be cited as the "Appropriation Act (No. 2), 1962". Short title

2. Out of the moneys paid to the State by the Commonwealth of Australia, and any other General Revenue of the said State, not otherwise by law specially appropriated, there may be further issued the sum of fifty million, six hundred and forty-six thousand pounds. Further issue.

3. (1) Out of the sum of twenty million pounds issued under the authority of the Supply Act (No. 1), 1962, the Supply Act (No. 2), 1962, the Supply Act (No. 3), 1962 and the said sum of fifty million, six hundred and forty-six thousand pounds by this Act authorized to be issued, there may be applied and paid for defraying the charges of the State Government for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-three the sum of seventy million, six hundred and forty-six thousand pounds, the said amount being appropriated as follows, viz. :— Appropriation of General Revenue.

Estimates,
1962-63.

	£
Legislative Council	12,632
House of Assembly	18,815
Parliamentary Library	8,247
Joint House Committee	12,584
Electoral	31,114
Government Reporting	46,315
Parliamentary Standing Committee on Public Works	3,874
Parliamentary Committee on Land Settlement	2,095
Legislature, Miscellaneous	51,604
State Governor's Establishment	10,584
Chief Secretary	20,373
Statistical	32,600
Audit	80,206
Printing and Stationery	323,947
Police	3,052,000
Sheriff's and Gaols and Prisons	558,850
Hospitals	6,845,219
Children's Welfare and Public Relief	933,000
Public Health	332,320
Public Service Commissioner	77,954
Chief Secretary, Miscellaneous	3,193,158
Attorney-General	33,420
Registrar of Companies	17,958
Crown Solicitor	57,505
Parliamentary Draftsman	8,807
Public Trustee	107,942
Supreme Court	92,583
Adelaide Local Court	60,326
Adelaide Police Court	49,177
Country and Suburban Courts	110,989
Coroner	7,807
Registrar-General of Deeds	199,430
Attorney-General, Miscellaneous	32,410
Treasury	45,643
Superannuation	57,038
Motor Vehicles	242,343
Agent-General in England	46,466
Land Tax	119,225
Stamp and Succession Duties	43,183
Publicity and Tourist Bureau and Immigration	255,014
Prices Control	66,000
Treasurer, Miscellaneous	6,113,956
Lands	883,122
Government Motor Garage	50,007
Minister of Lands, Miscellaneous	197,357
Public Works (Office of the Minister)	8,727
Engineering and Water Supply	4,520,823
Public Buildings	198,803
Government Offices	279,000
Cemetery	19,171
Public Stores	122,034
Aborigines	536,398
Public Works	1,653,850
Minister of Works, Miscellaneous	89,900
Education	14,665,387
The Libraries	270,700

	£
The Museum	53,460
The Art Gallery	32,559
Minister of Education, Miscellaneous	3,729,728
Labour and Industry	133,576
Minister of Labour and Industry, Miscellaneous	2,055
Minister of Agriculture	7,153
Agriculture	843,049
Agricultural College	137,451
Produce	285,728
Fisheries and Game	44,059
Chemistry	69,296
Minister of Agriculture, Miscellaneous	481,880
Department of Lands—Irrigation and Drainage	479,419
Mines	759,500
Harbors Board	1,550,000
Minister of Marine, Miscellaneous	16,554
Railways	14,430,111
Transport Control Board	20,025
Office of Minister of Roads and Local Govern- ment	6,769
Highways and Local Government	616,879
Minister of Roads and Local Government, Miscellaneous	36,757
Total	<u>£70,646,000</u>

(2) If—

(a) during the financial year ending on the thirtieth day of June one thousand nine hundred and sixty-three any increases of salaries or wages become payable by the State Government pursuant to any return made under the Acts relating to the public service, or any regulation or any award, order or determination of a court or other body empowered to fix wages or salaries; and

(b) such increases were not provided for in the estimates of expenditure for the said financial year,

the Governor may, by warrant under section 32a of the Public Finance Act, 1936-1960, appropriate out of the general revenue of the State any money required to pay the said increases.

The aggregate amount of money which may be appropriated under the said section 32a for the said financial year shall be increased by the amount of money appropriated pursuant to this subsection.

(3) Sections 48 and 187 of the Industrial Code, 1920-1960, except so far as they require awards, orders and determinations

to be laid before Parliament, shall not apply to any award, order or determination made between the passing of this Act and the passing of the Act for the general appropriation of revenue for the year ending on the thirtieth day of June, one thousand nine hundred and sixty-four.

(4) The Governor may, by warrant under section 32a of the Public Finance Act, 1936-1960, appropriate out of the general revenue of the State any money required to meet further expenditure beyond the amounts provided in the estimates of expenditure for the year ending on the thirtieth day of June one thousand nine hundred and sixty-three for costs of electricity supplied to the Engineering and Water Supply Department for pumping water through the Mannum-Adelaide pipeline and from bores in the Adelaide Water District, and through the Morgan-Whyalla water main.

The aggregate amount of money which may be appropriated under the said section 32a for the said financial year shall be increased by the amount of money appropriated pursuant to this sub-section.

Treasurer to pay the orders of Governor, and discharge by receipt of party.

4. The issue and payment by the Treasurer, from time to time, of any sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the amount hereinbefore specified, in such portions as the Governor directs by any orders in writing signed by him and countersigned by the Chief Secretary, is hereby authorized; and the Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums are so paid shall be to him a full discharge for the sums for which the receipts are given, and the amounts thereof shall be passed to his credit in account accordingly.

Power to issue money other than revenue or money received from the Commonwealth.

5. If the moneys paid to the State by the Commonwealth of Australia and the General Revenue of the State are insufficient to make the payments authorized by section 3 of this Act, moneys may be issued to make good the deficiency out of loan funds or other public funds or out of moneys raised by way of bank overdraft.

Power to make payments.

6. The Treasurer may out of the money appropriated by this Act make any payment for which money has been included in the estimates of expenditure of the Government of South Australia, passed by the House of Assembly for the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-three notwithstanding that the payment is—

- (a) in respect of a period prior to the first day of July, one thousand nine hundred and sixty-two ; or
- (b) at a rate in excess of the rate which, during the period in respect of which the payment is made, was in force under any return made by the Public Service Board, pursuant to the Public Service Act, 1936-1959, or under any regulation of the South Australian Railways Commissioner.

7. Any amount appropriated by this Act may be paid for the purpose for which it is so appropriated, in addition to any other amount appropriated by law for that purpose.

Payments to be
in addition
to other
payments.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 10 of 1962

An Act to amend the Metropolitan and Export Abattoirs Act, 1936-1958, and for other purposes

[Assented to 18th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Metropolitan and Export Abattoirs Act Amendment Act, 1962".

(2) The Metropolitan and Export Abattoirs Act, 1936-1958, as amended by this Act, may be cited as the "Metropolitan and Export Abattoirs Act, 1936-1962".

(3) The Metropolitan and Export Abattoirs Act, 1936-1958, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 70a of the principal Act—

3. The following section is inserted in the principal Act after section 70 thereof :—

Licence to slaughter elsewhere than at abattoirs of board.

70a. (1) Notwithstanding any other provision of this Act the Minister, if he is of the opinion that in the interests of the public it is expedient so to do, may grant a licence for such period as he shall think fit to any person to slaughter, elsewhere than at the abattoirs of the board, any stock for sale for human consumption.

(2) Any such licence may contain conditions as to all or any of the following matters, namely :—

The branding, and inspection of carcasses slaughtered and any other matters which in the Minister's opinion are required for the purpose of ensuring compliance with law or in the interests of the public : provided that the licence shall whenever practicable contain a condition providing for the inspection of carcasses at the place of slaughter.

(3) If the Minister is of opinion that an inspection of any carcasses or meat additional to the inspection provided for in the licence relating to such carcasses or meat is necessary for the purpose of safeguarding the health of the public, he shall give such directions to the owner of the meat as he considers necessary to ensure that an additional inspection is made before the meat is sold, and the owner of the meat shall comply with such directions.

A person who fails to comply with a direction given to him under this subsection shall be guilty of an offence.

(4) Any carcass or meat slaughtered in accordance with the terms of a licence issued under and inspected pursuant to the directions (if any) given under this section may be sold within the metropolitan abattoirs area.

(5) If a person to whom a licence is granted under this section contravenes or fails to observe any condition of the licence he shall be guilty of an offence.

Penalty : One hundred pounds.

(6) If a person is convicted of an offence under subsection (5) of this section the Minister may revoke the licence granted to such person.

4. Section 95 of the principal Act is amended by inserting therein after the word "board" first occurring therein the words "or the Minister (which consent the Minister is hereby authorized to give)".

Amendment of
Principal Act,
s. 95.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 11 of 1962

An Act relating to the Carriage of Passengers by Air.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Civil Aviation (Carriers' Liability) Act, 1962".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Interpretation.

3. (1) In this Act—

"the Commonwealth Act" means the Civil Aviation (Carriers' Liability) Act, 1959 of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time ;

"the Commonwealth Regulations" means the regulations from time to time in force under the Commonwealth Act for the purposes of Part IV of the Commonwealth Act, other than regulations made for the purposes of section 41 of the Commonwealth Act.

(2) The provisions of sections 5 and 26 of the Commonwealth Act shall apply by virtue of this Act, to the interpretation of section 4 of this Act in like manner as they apply to the interpretation of section 27 of the Commonwealth Act.

4. This Act shall bind the Crown.

Act to bind
Crown.

5. This Act shall apply to the carriage of a passenger where the passenger is or is to be carried in an aircraft being operated by the holder of an airline licence in the course of commercial transport operations under a contract for the carriage of the passenger between a place in South Australia and another place in South Australia, not being carriage to which Part IV of the Commonwealth Act applies or to which the Warsaw Convention, or the Warsaw Convention as affected by the Hague Protocol, applies.

Carriage to
which Act
applies.

6. The provisions of Part IV of the Commonwealth Act (other than sections 27, 40 and 41) and subject to any regulations made by the Governor pursuant to section 8 of this Act the provisions of the Commonwealth Regulations shall apply to and in relation to carriage to which this Act applies, and matters connected with such carriage, as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated—

Application of
provisions of
Part IV of
Common-
wealth Act.

- (a) general references to Part IV of the Commonwealth Act were references to this Act ;
- (b) a reference in one of those provisions to another of those provisions were a reference to that other provision as applying by virtue of this Act ;
- (c) the reference in subsection (5) of section 29 of the Commonwealth Act to carriage referred to in subsection (4) of section 27 of the Commonwealth Act were a reference to the carriage of a passenger where—
 - (i) the carriage of the passenger between two places was to be performed by two or more carriers in successive stages ;
 - (ii) the carriage has been regarded by the parties as a single operation, whether it has been agreed upon by a single contract or by two or more contracts ; and
 - (iii) this Act would have applied to that carriage if it had been performed by a single carrier under a single contract ; and

(d) the references in section 31 of the Commonwealth Act to the regulations relating to certain matters were references to the provisions of the Commonwealth Regulations relating to those matters as applying by virtue of this Act.

Stowaways.

7. The provisions of section 42 of the Commonwealth Act shall apply in relation to a person who, within South Australia, travels in an aircraft without the consent of the carrier as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated, a reference to a Part or Parts of the Commonwealth Act were a reference to this Act.

Regulations.

8. (1) The Minister shall cause to be laid before both Houses of Parliament a copy of any Commonwealth Regulations made under the Commonwealth Act within fourteen days after the making thereof if Parliament is in Session and if not then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disapproving of all or any such Commonwealth Regulations of which resolution notice has been given at any time within fourteen sitting days of such House after such copy has been laid before it the Regulations so disapproved shall cease to have any effect to and in relation to carriage to which this Act applies but without affecting the validity, or curing the invalidity of anything done, or in the omission of anything in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session of Parliament as that in which the regulation is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

(4) The Governor may in relation to carriage to which this Act applies make regulations prescribing all matters which by the Commonwealth Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Commonwealth Act, and the Commonwealth Regulations shall in so far as they are inconsistent with any regulations made by the Governor cease to apply to or in relation to carriage to which this Act applies and to matters connected with such carriage.

(5) Where regulations are made by the Governor pursuant to subsection (4) of this section then any reference in the Commonwealth Act to regulations made thereunder shall, in respect of the application of the Commonwealth Act by virtue of this Act, be construed as including a reference to regulations made by the Governor and as excluding a reference to any Commonwealth Regulations inconsistent therewith.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 12 of 1962

An Act to amend the Food and Drugs Act, 1908-1954.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Food and Drugs Act Amendment Act, 1962".

(2) The Food and Drugs Act, 1908-1954, as amended by this Act may be cited as the "Food and Drugs Act, 1908-1962".

(3) The Food and Drugs Act, 1908-1954, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 61.

3. Section 61 of the principal Act is amended by inserting therein after paragraph 7 thereof the following paragraph :—

7A. Providing for the inspection and analysis of drugs before the selling thereof and prohibiting, regulating, restricting or controlling the sale of drugs unless the same have been so inspected and analysed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 13 of 1962

An Act to amend the Hospitals Act, 1934-1961.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Hospitals Act Amendment Act, 1962". Short titles.
 (2) The Hospitals Act, 1934-1961, as amended by this Act, may be cited as the "Hospitals Act, 1934-1962".
 (3) The Hospitals Act, 1934-1961, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. The following subsection is inserted in section 16 of the principal Act after subsection (1) thereof :— Amendment of principal Act, s. 16.
 (1a) In respect of any public hospital which has no Board of Management but the care, management, control and supervision of which is vested in the Director-General, the Director-General may from time to time make regulations in respect to all or any of the matters set forth in subsection (1) of this section (other than those set forth in paragraphs I, II and III thereof) and may make regulations revoking or amending any such regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 14 of 1962

An Act to amend the Institute of Medical and
Veterinary Science Act, 1937-1948.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Institute of Medical
and Veterinary Science Act Amendment Act, 1962".

(2) The Institute of Medical and Veterinary Science Act,
1937-1948, may be cited as the "Institute of Medical and
Veterinary Science Act, 1937-1962".

(3) The Institute of Medical and Veterinary Science Act,
1937-1948, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that
Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 18.

3. Paragraph (a) of section 18 of the principal Act is
amended :—

(a) by striking out the passage "(other than scientific
equipment)" therein ; and

(b) by inserting at the end thereof the words "at such
places and under such terms and conditions as
the council may see fit to require".

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 15 of 1962

An Act to amend the Local Courts Act, 1926-1959.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Local Courts Act Amendment Act, 1962". Short titles.

(2) The Local Courts Act, 1926-1959, as amended by this Act, may be cited as the "Local Courts Act, 1926-1962".

(3) The Local Courts Act, 1926-1959, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement.

4. Subsection (3) of section 21, of the principal Act is amended by inserting after the word "jurisdiction" second occurring therein, the words "constituted of two justices". Amendment of principal Act, s. 21.

5. Section 32 of the principal Act is amended by inserting at the beginning thereof the words "Subject to the provisions of section 21 of this Act". Amendment of principal Act, s. 32.

Increase in
jurisdiction of
courts of
limited
jurisdiction

6. Sections 32, 165 and 196 of the principal Act are amended by striking out the word "thirty" wherever occurring therein and inserting in lieu thereof in each case the words "one hundred".

Operation of
Act.

7. This Act shall apply to every action commenced after the commencement of this Act whether the cause of action arose before or arose after the commencement of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 16 of 1962

An Act to refer to the Parliamentary Standing Committee on Public Works certain questions relating to the drainage of land within the metropolitan area.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Metropolitan Drainage Works (Investigation) Act, 1962". Short title.

2. In this Act—

Interpretation.

"the Committee" means the Parliamentary Standing Committee on Public Works :

"the councils" means the council of the corporation of the City of Woodville and the council of the corporation of the Town of Henley and Grange :

"the proposed drainage works" means the proposed works for the drainage of floodwaters within the areas of the councils details of which are shown on a certain plan marked "X" signed by W. M. Anderson and referred to in a minute signed "N. C. Cox, Executive Engineer" addressed to the Deputy Engineer in Chief and in a minute signed "W. M. Anderson, Deputy Engineer in Chief" addressed to the Honourable the Minister of Works which said minutes are dated the twenty-third day of July, one thousand nine hundred and sixty-two, and are contained in Government File M.W. 60/1960 and further details of which works are contained in the said file and Government File E.W.S. 6145/1951.

Reference to
Public Works
Committee.

3. The following questions are hereby referred to the Committee, namely :—

- (a) Whether it is expedient to construct the proposed drainage works either with or without variations; and if variations are recommended what is the nature of them;
- (b) Alternatively, should other works for the same or substantially the same purpose as the proposed drainage works be constructed;
- (c) Assuming that half of the capital cost of such works as may be recommended by the Committee is to be paid by the Councils, what should be the share of each Council;
- (d) In what instalments and at what times should each Council pay its share, and what rate of interest, if any, should each Council pay on outstanding amounts of capital;
- (e) Assuming that the proposed drainage works are constructed and that the whole of the annual cost of maintenance of those works is to be paid by the Councils, what should be the share of each Council, and at what time should each Council pay its share.

Inquiry and
report by
Committee.

4. The Committee shall inquire into and report upon the questions referred to it by this Act in the same manner as the Committee inquires into public works referred to it by the Governor; and the provisions of the Public Works Standing Committee Act, 1927-1955, shall apply in relation to the inquiry conducted pursuant to this Act and in the same way as they apply to inquiries conducted pursuant to a reference by the Governor.

Saving.

5. This Act shall not affect any power to refer to the Committee any question whether relating to the proposed drainage works or any other matter.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 17 of 1962

An Act to amend the Motor Vehicles Act, 1959-1961.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act, 1962". Short titles.

(2) The Motor Vehicles Act, 1959-1961, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1962".

(3) The Motor Vehicles Act, 1959-1961, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. (1) Subsection (2) of section 26 of the principal Act is amended so as to read as follows :— Amendment of principal Act, s. 26.

(2) The Registrar may reduce the duration of registration by not more than ten days (or with the consent of the applicant for a longer period) without adjusting the fee where the Certificate of Insurance lodged with the application for registration by the applicant would not otherwise be in accordance with the requirements of section 21 of this Act.

(2) The amendment effected by this section shall be deemed to have come into operation at the time of the passing of the Motor Vehicles Act Amendment Act, 1961.

Amendment of
principal Act,
s. 48.

4. Subsection (3) of section 48 of the principal Act is amended by inserting therein at the end thereof the following proviso :—

Provided that it shall be a defence to a charge under this section if the defendant proves that a motor vehicle was driven on a road under circumstances under which this Act or the regulations provide that a motor vehicle on which is not affixed any registration label or permit may be driven.

Amendment of
principal Act,
s. 98a.

5. Subsection (1) of section 98a is amended by inserting therein after the word “licence” at the end thereof the following proviso: Provided that nothing in this section contained shall apply to or in respect of any member of the police force acting in the course or execution of his duty.

Amendment of
principal Act,
s. 113.

6. Section 113 of the principal Act is amended by inserting at the end thereof the following subsection :—

(2) Without limiting the scope of subsection (2) of section 70d of the Road Traffic Act, 1934-1958, or subsection (1) of this section it is declared that a right of action against the insurer under those subsections in a case where the insured person is dead exists and has existed since the enactment of those subsections notwithstanding that the claimant has or had a right of action against the estate of the deceased person under the Survival of Causes of Action Act, 1940, or any other law.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 18 of 1962

An Act to amend the Registration of Deeds Act, 1935.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Registration of Deeds Act Amendment Act, 1962". Short titles.

(2) The Registration of Deeds Act, 1935, as amended by this Act, may be cited as the "Registration of Deeds Act, 1935-1962".

(3) The Registration of Deeds Act, 1935, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is inserted in the principal Act after section 10 thereof :— Enactment of s. 10a of the principal Act.

10a. Any memorandum of appointment of new trustees under Part V of the Trustee Act, 1936-1953, may be registered under this Act notwithstanding that the same relates to or affects only personal property and the provisions of sections 11, 12, 13, 14, 15 and 28 of this Act so far as the same are applicable shall apply with respect to any such registration. Registration of memorandum of appointment of new trustees.

4. Paragraph (c) of subsection (1) of section 14 of the principal Act is amended by inserting after the word "lands" (first occurring) therein the passage "(if any)". Amendment of principal Act, s. 14.

Enactment of
s. 35a of
principal Act.

5. The following section is inserted in the principal Act after section 35 thereof :—

Deposit of
deed poll
etc. as to
change of
name.

35a. Any person may deposit in the registry office and the registrar shall receive for safe and perpetual custody and reference any original or duplicate original deed poll or statutory declaration evidencing a change of name. Any such deed or statutory declaration shall be deemed to be an instrument for the purposes of sections 31, 32, 33, 34 and 35 of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 19 of 1962

An Act to prohibit unauthorized trading in human blood.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Sale of Human Blood Act, 1962". Short title.

2. (1) Subject to the provisions of this section, a person shall not buy, agree to buy, offer to buy, or hold himself out as being willing to buy human blood or the right to take blood from the body of another person. Unauthorized buying of human blood prohibited.

Penalty: One hundred pounds or imprisonment for three months or both.

(2) Where he considers it desirable by reason of special circumstances so to do, the Minister may, by a permit in writing, authorize a person, subject to such conditions and restrictions as may be specified in the permit, to buy human blood or the right to take blood from the body of another person.

(3) Nothing in subsection (1) of this section applies to anything done under and in accordance with a permit granted under subsection (2) of this section.

(4) The Minister may at any time, by notice given to a person to whom a permit has been granted under this section, cancel the permit.

(5) Where a permit has been so granted subject to any conditions or restrictions specified therein, a person shall not act on the authority of the permit unless the conditions or restrictions, as the case may be, are or have been complied with.

Penalty : Fifty pounds.

Advertisements relating to the buying of human blood.

3. A person shall not knowingly—

- (a) publish or disseminate by newspaper, book, broadcasting, television, cinematograph or other means whatever ;
- (b) exhibit to public view in any place ; or
- (c) deposit in the area, yard, garden or enclosure of any place,

an advertisement relating to the buying in Australia of human blood or of the right to take blood from the bodies of persons unless the advertisement and the form and wording thereof have been approved in writing by the Minister and the advertisement contains a statement to that effect.

Penalty : One hundred pounds or imprisonment for three months or both.

Selling of human blood, etc.

4. (1) Subject to the provisions of this section, a person shall not sell or agree to sell human blood (including his own blood) or the right to take blood from his body.

Penalty : Fifty pounds.

(2) Nothing in subsection (1) of this section applies to a sale, or agreement to sell, to a person who is, or is reasonably believed by the vendor to be, acting under and in accordance with a permit granted under subsection (2) of section 2 of this Act.

Proceedings how and when taken.

5. (1) Proceedings for offences against this Act shall be heard and determined summarily.

(2) Proceedings for any offence against this Act shall not be taken without the written consent of the Minister.

(3) A document purporting to be—

- (a) a consent of the Minister to the taking of proceedings for any offence against this Act ;
- (b) a permit granted under subsection (2) of section 2 of this Act ; or

(c) an approval referred to in section 3 of this Act, shall be *prima facie* evidence in any court of such consent, of the matters contained in such permit, or of such approval, as the case may be.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 20 of 1962

An Act to amend the Unclaimed Moneys Act,
1891-1935.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Unclaimed Moneys Act Amendment Act, 1962".

(2) The Unclaimed Moneys Act, 1891-1935, as amended by this Act, may be cited as the "Unclaimed Moneys Act, 1891-1962".

(3) The Unclaimed Moneys Act, 1891-1935, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 6.

3. Subsection (1) of section 6 of the principal Act is amended by striking out the words "the Savings Bank of South Australia to the credit of" therein.

Enactment of
principal Act
s. 7A.

4. The following section is inserted in the principal Act after section 7 thereof :—

Payment of
unclaimed
moneys to
Treasurer.

7a. Any person (not being a company) in possession of any moneys whatsoever which have been in the possession of that person for a period of one year or upwards and of which the owner cannot be found may pay such moneys to

the Treasurer of the State for the use of the public revenue :
Provided that the said person when paying any such moneys to the Treasurer shall lodge with the Treasurer a statutory declaration setting forth the details of the said moneys and the circumstances under which he came into possession thereof and that the owner thereof cannot be found. The receipt of the Treasurer for the said moneys shall be a discharge to the person paying the same of his liability in respect thereof.

5. Section 8 of the principal Act is amended by inserting after the word "him" (first occurring) therein the words "pursuant to any of the provisions of this Act".

Amendment of principal Act, s. 8.

6. Section 9 of the principal Act is amended—

Amendment of principal Act, s. 9.

- (a) by striking out the word "unclaimed" (twice occurring) therein ;
- (b) by inserting after the word "claimant" (first occurring) therein the words "pursuant to section 8 of this Act".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 21 of 1962

An Act to amend the Mines and Works Inspection Act, 1920-1955.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mines and Works Inspection Act Amendment Act, 1962".

(2) The Mines and Works Inspection Act, 1920-1955, as amended by this Act may be cited as the "Mines and Works Inspection Act, 1920-1962".

(3) The Mines and Works Inspection Act, 1920-1955, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 4.

3. The definition of "works" in section 4 of the principal Act is amended by inserting therein after the word "operation" at the end thereof the words "and includes all wharves, adjoining the smelting works of The Broken Hill Associated Smelters Proprietary Limited at Port Pirie and used for or in connection with the loading of ships and all erections, cargo, gear, cranes, equipment and conveniences on the same or the appurtenances thereof or the approaches thereto".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 22 of 1962

An Act to amend the Education Act, 1915-1960.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. (1) This Act may be cited as the “Education Act Short titles. Amendment Act, 1962”.

(2) The Education Act, 1915-1960, as amended by this Act, may be cited as the “Education Act, 1915-1962”.

(3) The Education Act, 1915-1960, is hereinafter referred to as “the principal Act”.

2. This Act is incorporated with the principal Act and that Incorporation. Act and this Act shall be read as one Act.

3. Section 18a of the principal Act is amended as follows :— Amendment of principal Act, s. 18a.

(a) by inserting the words “or one hundred and eighty days on half salary” at the end of paragraph (a) of subsection (1) thereof ;

(b) by inserting the words “or eighteen days on half salary” at the end of paragraph (b) of the said subsection (1) thereof ;

(c) by inserting the following proviso at the end of subsection (2) thereof :—

Provided that a teacher may be granted not more than nine days leave on full salary or eighteen days on half salary in respect of each

complete year of continuous service as a teacher (excluding any period of training in a Teachers' College maintained by the Minister) in excess of thirty-five years ;

- (d) by inserting at the beginning of subsection (3) thereof the words "Subject to the proviso to subsection (2) of this section".

Amendment of
principal Act,
s. 18c.

4. Section 18c of the principal Act is amended—

- (a) by striking out the words "the first ten years of continuous service as a teacher not more than ninety days leave on full salary" in paragraph (b) thereof and inserting in lieu thereof the words "each complete year of continuous service as a teacher not more than nine days leave on full salary or eighteen days on half salary : Provided that no leave shall be granted under this paragraph until the officer has completed fifteen years of continuous service as an officer and as a teacher";
- (b) by striking out paragraph (c) thereof ;
- (c) by striking out the words "three hundred and sixty-five" in the proviso thereto and inserting in lieu thereof the words "four hundred and fifty".
- (d) by inserting therein after subsection (4) thereof the following subsection:—

(5) Where a person is appointed as a teacher and his service as a teacher is continuous with service as a teacher under the Council of the South Australian Institute of Technology the continuous service of that person under the said Council shall for the purpose of long service leave under this section be regarded as service as a teacher.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 23 of 1962

An Act to amend the Explosives Act, 1936-1958.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Explosives Act Amendment Act, 1962". Short titles.

(2) The Explosives Act, 1936-1958, as amended by this Act, may be cited as the "Explosives Act, 1936-1962".

(3) The Explosives Act, 1936-1958, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 52 of the principal Act is amended by inserting the following paragraphs therein after paragraph XXIIIb thereof :— Amendment of principal Act, s. 52.

XXIIIc. For regulating and controlling the sale of explosives and providing for the licensing of sellers of explosives the conditions upon which and the persons to whom explosives of any particular class or classes or generally may be sold.

- xxiii. For regulating and controlling the keeping or storing of explosives and the display of explosives in or about any premises or places whatsoever.
- xxiiii. For regulating and controlling the importation into the State of any explosives.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 24 of 1962

An Act to amend the Homes Act, 1941-1958.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Homes Act Amendment Act, 1962". Short titles.

(2) The Homes Act, 1941-1958, as amended by this Act, may be cited as the "Homes Act, 1941-1962".

(3) The Homes Act, 1941-1958, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 7 of the principal Act is amended—

(a) by striking out the words "thirty years" in paragraph (c) of subsection (1) thereof and inserting in lieu thereof the words "fifty years";

(b) by inserting therein after subsection (1) thereof the following subsection :—

(1a) If, before the commencement of the Homes Act Amendment Act, 1962, the Treasurer has executed a guarantee in favour of any institution for the repayment of any loan or the payment of any purchase-money, and it is desired by the institution to extend the term of

Amendment of
principal Act,
s. 7.

the loan or, as the case may be, the period for the repayment of purchase-money, beyond the original term or period thereof, but so that the term or period as extended does not exceed fifty years from the granting of the loan or the making of the contract for the payment of the purchase-money, the Treasurer may consent to such extension of the said period or term by the institution and if the said period or term is extended by the institution in accordance with that consent the guarantee shall be deemed to apply during the term of the loan or the period for repayment as so extended.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 25 of 1962

An Act to provide for the establishment of a Housing Loans Redemption Fund and for other purposes.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Housing Loans Redemption Fund Act, 1962". Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. In this Act, unless the context otherwise requires— Interpretation.

"approved authority" means an authority approved by the Treasurer pursuant to section 11 of this Act :

"borrower" means a person who whether before or after the commencement of this Act has obtained an advance, or has become legally liable for the repayment of an advance, from an approved authority upon the security of a dwellinghouse to be used by the borrower as a home for himself and his dependants :

"contributor" means a borrower who, in accordance with the provisions of this Act, contributes to the fund in respect of an advance (or part thereof) from an approved authority :

“dependant” includes the parents or other relative dependant upon a borrower :

“the fund” means the Housing Loans Redemption Fund :

“nominated contributor” means the joint contributor who is accepted by an approved authority at the time of the application by joint borrowers to become joint contributors as the borrower principally responsible for the support of the joint borrowers and their dependants.

For the purposes of this Act a person who enters into an agreement with an approved authority for the purchase of a dwellinghouse which is intended to be used by him as a home for himself and his dependants by the payment of the purchase-money and interest thereon by periodical instalments shall be deemed to be a borrower and the amount of the purchase-money less any deposit paid at the time of the making of the agreement shall be deemed to be an advance.

**Housing
Loans
Redemption
Fund.**

4. (1) There shall be an account kept at the Treasury to be called “the Housing Loans Redemption Fund”.

(2) The Treasurer shall, out of moneys standing to the credit of the Home Purchase Guarantee Fund, advance to the fund the sum of £50,000 within one month after the commencement of this Act. This Act shall without further appropriation be sufficient authority for the Treasurer to make the said advance.

(3) There shall be paid to the credit of the fund any moneys which may from time to time be provided by Parliament for the purpose.

(4) The Treasurer shall pay to the credit of the fund all moneys received by him from approved authorities pursuant to this Act.

(5) The Treasurer shall credit the fund with interest upon the amount standing to the credit of the fund from time to time (other than any amounts advanced by the Treasurer) at the current long term bond rate as defined in the Housing Agreement executed in pursuance of the Housing Agreement Act, 1956, as amended by the Agreement executed in pursuance of the Housing Agreement Act, 1961.

(6) The fund shall, subject to this Act, be applied in the re-payment to approved authorities of advances made to contributors.

5. A borrower (other than a joint borrower) who is less than thirty-six years of age may become a contributor upon the following conditions :—

Applications to become contributor.

- (a) he shall satisfy the Treasurer and the approved authority from which he has obtained an advance that he is in good health ;
- (b) the advance in respect of which the borrower applies to become a contributor shall be repayable in full together with interest thereon in equal periodical instalments over a period expiring before the date upon which the borrower would reach the age of sixty-six years : Provided that in no case shall the period over which such instalments are repayable exceed forty years ;
- (c) the Treasurer or an approved authority may in his or its absolute discretion refuse an application by a borrower to become a contributor.

6. Two or more joint borrowers may become joint contributors upon the following conditions :—

Joint Borrowers.

- (a) they shall satisfy the Treasurer and the approved authority from which they have obtained an advance that the nominated contributor is in good health ;
- (b) the nominated contributor shall be less than thirty-six years of age ;
- (c) the advance in respect of which they apply to become joint contributors shall be repayable in full together with interest thereon in equal periodical instalments over a period expiring before the date upon which the nominated contributor would reach the age of sixty-six years : Provided that in no case shall the period over which such instalments are repayable exceed forty years.
- (d) the Treasurer or an approved authority may in his or its absolute discretion refuse an application by joint borrowers to become joint contributors.

7. (1) Contributors shall contribute to the fund at the rates applicable to the amount of the advance set forth in the schedule to this Act or such other rates as may be prescribed.

Contributions to Fund.

(2) Contributors may at any time by three months' written notice to an approved authority elect to reduce the proportion of an advance for which they desire to continue to contribute

and thereupon, with the consent of the approved authority, the rate of contributions to the fund shall be proportionately reduced : Provided that if the amount of the advance remaining unpaid is reduced, otherwise than by way of the payment of the periodical instalments, by at least the proportion (not being less than one-tenth) by which the contributor or contributors desire to reduce the rate of contribution, the consent of the approved authority shall not be required.

(3) Subject to section 10, contributions by contributors shall be paid to the approved authority from which the advance has been obtained.

(4) If contributions are unpaid for a period of six months the contributor or contributors concerned shall cease to be a contributor or contributors without prejudice to the right of the Treasurer to recover any such contributions as a debt : Provided that with the consent of the Treasurer and the approved authority such contributor or contributors may, upon payment of all such arrears and such interest thereon as the Treasurer shall determine, be reinstated as a contributor or contributors : Provided further that an approved authority may at its discretion pay to the fund on a contributor's account any arrears of contributions and any such payments made by an approved authority shall be added to and form part of the advance for the purposes of recovery thereof.

(5) A contributor may at any time upon giving three months' written notice to the approved authority cease to be a contributor : Provided that nothing in this section shall be construed so as to affect the rights or obligations of a contributor (or contributors) and an approved authority *inter se* under any agreement by a borrower (or borrowers) that he (or they) will continue to remain a contributor (or contributors) while any amount of the advance remains unpaid.

(6) A contributor or contributors shall cease to be a contributor or contributors upon repayment of an advance in full at any time before the expiration of the period over which same was originally repayable, or upon his or their ceasing to have any interest in the dwellinghouse in respect of which the advance was obtained.

Liability of
Fund.

8. (1) Subject to subsection (2) of this section—

(a) upon the death of a contributor (not being a joint contributor) so much of the amount of the advance (or part thereof) in respect of which he was contributing at the date of his death as would then have remained unpaid if he had paid only all periodical instalments and other amounts payable

in respect of the advance as and when the same became due and payable, together with any interest which would have accrued thereon but not fallen due for payment for a period not exceeding one month, shall be paid from the fund to the approved authority ;

(b) upon the death of a nominated contributor so much of the amount of the advance (or part thereof) in respect of which the contributors were contributing at the date of such death as would then have remained unpaid if the contributors had paid only all periodical instalments and other amounts payable in respect of the advance as and when the same became due and payable, together with any interest which would have accrued thereon but not fallen due for payment for a period not exceeding one month, shall be paid from the fund to the approved authority ;

(c) any part of an amount paid to the approved authority pursuant to paragraph (a) or paragraph (b) of this subsection which exceeds the amount due and owing to the approved authority in respect of the advance (whether principal, interest, insurance or contributions) shall be paid by the authority to the legal personal representative of the deceased contributor or as the case may be to the survivor or survivors of joint contributors.

(2) No payment shall be made from the fund—

(a) in respect of a contributor or a nominated contributor who dies by his own hand within one year and thirty days after the payment of the first contribution to the fund ; or

(b) if the contributor or contributors concerned has or have in connection with his or their application to become a contributor or contributors knowingly withheld any material information or supplied information false in a material particular ; or

(c) upon the death of a borrower who has ceased to be a contributor.

(3) If at any time the amount of the fund is insufficient to meet payments under this section the Treasurer shall pay the amount of the deficiency out of the general revenue of the State which revenue is hereby appropriated so far as is necessary for that purpose.

Fresh Advance.

9. If a contributor repays before the due date the whole or any part of an advance in respect of which he is a contributor and within a period of three months thereafter obtains from the same approved authority a further advance repayable in full on the same date as the previous advance, he may with the approval of the Treasurer become a contributor in respect of such further advance to an amount not exceeding the amount of the advance so repaid at the same rate of contribution as that in respect of the amount of the advance so repaid, notwithstanding that he may then be not less than thirty-six years of age.

Second Mortgage Advances.

10. (1) A borrower may become a contributor in respect of an advance upon the security of a second mortgage notwithstanding that he is not a contributor in respect of an advance upon the security of a first mortgage over the same land.

(2) A contributor who obtains an advance upon the security of a second mortgage from an approved authority other than the approved authority in respect of which he is a contributor may with the concurrence of that authority become a contributor in respect of both advances.

Approval of Authorities.

11. (1) The Treasurer may approve of any institution, corporation or body for the purposes of this Act upon such terms and conditions including conditions as to the mode of administration of this Act and the keeping and furnishing of records and reports as the Treasurer may think fit. Any such terms and conditions may, with the concurrence of the approved authority, be varied by the Treasurer from time to time.

(2) Approved authorities shall pay to the Treasurer all contributions received by them from contributors under this Act.

Regulations.

12. The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

THE SCHEDULE.

SCHEDULE OF CONTRIBUTION RATES

(Shillings per annum per £1,000 of advance which is outstanding at the time contributions are commenced and subject to contribution)

Unexpired Period of Advance in Years	Age of Borrower in Completed Years when commencing to contribute										
	25 and under	26	27	28	29	30	31	32	33	34	35
10 and under	30	31	32	33	34	35	36	37	38	39	40
11	30	31	32	33	34	35	36	37	39	40	41
12	31	32	32	33	35	36	37	38	40	41	42
13	31	32	33	34	35	36	37	39	40	41	43
14	31	32	33	34	35	37	38	40	41	42	45
15	32	33	34	35	36	38	39	41	42	44	46
16	32	33	34	36	37	39	40	42	44	46	48
17	32	34	35	36	38	39	41	43	45	47	49
18	33	34	35	37	38	40	42	44	46	48	51
19	34	35	36	38	39	41	43	45	47	50	52
20	34	35	36	38	40	42	44	46	49	51	54
21	34	36	37	39	41	43	45	47	50	53	56
22	35	36	38	40	42	44	46	49	52	55	58
23	35	37	39	41	43	45	47	50	53	56	60
24	36	38	40	42	44	46	49	52	55	58	62
25	37	39	41	43	45	47	50	53	56	60	65
26	38	39	41	43	46	48	51	54	58	62	67
27	38	40	42	44	47	50	53	56	60	65	70
28	39	41	43	45	48	51	54	58	63	68	73
29	40	42	44	46	49	52	56	60	65	71	76
30	40	42	45	48	51	54	58	62	68	74	80
31	41	43	46	49	52	56	60	65	71	77	—
32	42	45	47	50	54	58	62	67	73	—	—
33	43	46	49	52	56	60	64	70	—	—	—
34	45	47	50	54	58	62	67	—	—	—	—
35	46	48	52	56	60	65	—	—	—	—	—
36	47	50	54	58	63	—	—	—	—	—	—
37	49	52	56	61	—	—	—	—	—	—	—
38	51	55	59	—	—	—	—	—	—	—	—
39	53	57	—	—	—	—	—	—	—	—	—
40	55	—	—	—	—	—	—	—	—	—	—

1. Where the amount of advance which is outstanding at the time contributions are commenced and subject to contribution is not an exact multiple of £1,000, the annual premium shall be calculated to the nearest whole shilling, sixpence being taken to be one shilling.

2. Where the unexpired period of the advance subject to contribution, at the time contributions are commenced, is not an exact number of years, the fractional period of a year shall be counted as a further whole year for the purposes of determining the contribution rate.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 26 of 1962

An Act to amend the Impounding Act, 1920-1947.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Impounding Act Amendment Act, 1962".

(2) The Impounding Act, 1920-1947, as amended by this Act, may be cited as the "Impounding Act, 1920-1962".

(3) The Impounding Act, 1920-1947, is hereinafter referred to as "the principal Act"

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 15 of principal Act— Owner may impound on his own land cattle trespassing on such land.

3. Subsection (3) of section 15 of the principal Act is amended by striking out the word "three" in the third line of that subsection and inserting in lieu thereof the word "seven".

Enactment of s. 15a of principal Act—

4. The following section is enacted and inserted in the principal Act after section 15 thereof :—

Cattle to be impounded may be driven or conveyed to pound.

15a. Any cattle to be impounded under section 14 or section 15 of this Act may be driven or led to the pound or place where the cattle are to be so impounded or may be conveyed to that pound or place by any vehicle suitable for the purpose.

5. Section 25 of the principal Act is amended by striking out subsections (2) and (3) of that section and inserting in lieu thereof the following subsections :—

Amendment of s. 25 of Principal Act— Notice of impounding.

(2) If the owner of any cattle so impounded is known to the poundkeeper, written notice of the impounding shall be given to the owner—

(a) by delivering the notice personally to the owner ; or

(b) by sending the notice by post addressed to the owner to his usual or last known place of residence or business in the State.

(3) Where the notice is to be given by delivering it personally to the owner, it shall be given within forty-eight hours after the time when the cattle were impounded, and where the notice is to be sent by post, it shall be posted as soon as practicable after the expiration of twenty-four hours after the time of such impounding.

6. Subsection (1) of section 45 of the principal Act is amended—

Amendment of s. 45 (1) of Principal Act— Penalty for allowing any bull, entire horse, or ram to be at large.

(a) by striking out the word “five” appearing twice in that subsection and inserting in lieu thereof in each case the word “twenty-five”; and

(b) by striking out the word “two” in that subsection and inserting in lieu thereof the word “ten”.

7. Subsection (1) of section 46 of the principal Act is amended by striking out the word “five” in that subsection and inserting in lieu thereof the word “twenty-five”.

Amendment of s. 46 (1) of Principal Act— Liability of owner of straying cattle.

8. The fourth schedule, the fifth schedule and the sixth schedule of the principal Act are repealed and re-enacted as follows :—

Repeal and re-enactment of the Fourth, Fifth, and Sixth Schedules.

THE FOURTH SCHEDULE.

TABLE OF FEES CHARGEABLE BY RANGER IN RESPECT OF IMPOUNDING OF CATTLE.

Section 14.

(1) In respect of the impounding of cattle comprising entire horses, mares, geldings, colts, fillies, foals, mules, asses, camels, bulls, oxen, cows, steers, heifers, calves, rams, or deer—

	£	s.	d.
For any number of such cattle up to five, per head.....	1	0	0

	£	s.	d.
For the next fifteen of such cattle, per head	0	5	0
For any number of such cattle after the first twenty, per head	0	1	0
(2) In respect of the impounding of cattle comprising goats, pigs, ewes, sheep, wethers, lambs, or Angora goats—			
	£	s.	d.
For any number of such cattle up to five, per head	0	10	0
For any number of such cattle after the first five, per head	0	0	6
(3) In respect of the impounding of cattle, some of which are of the descriptions mentioned in paragraph (1) hereof, and some of which are of the descriptions mentioned in paragraph (2) hereof—			
	£	s.	d.
For any number of such cattle up to five . .	0	10	0
For any number of such cattle of the descriptions mentioned in paragraph (1) hereof, after the first five	} At the rates per head specified in paragraph (1) hereof.		
For any number of such cattle of the descriptions mentioned in paragraph (2) hereof, after the first five			
The above fees are payable by each owner in respect of the cattle owned by him impounded at any one time.			
No fee shall be chargeable for a suckling animal under the age of six months running with its mother.			

THE FIFTH SCHEDULE.

TABLE OF POUNDAGE FEES FOR CATTLE IMPOUNDED.

	For each period of 24 hours or part thereof.		
	s.	d.	d.
For every entire horse above the age of two years—			
For the first day the sum of £2 10s. 0d. and thereafter	10	0	0

	For each period of 24 hours or part thereof. s. d.	
For every entire horse under the age of two years	10	0
For every mare, gelding, colt, filly, foal, mule, ass, and camel	2	0
For every goat and pig	5	0
For every bull above the age of two years— For the first day the sum of £2 10s. 0d. and thereafter	10	0
For every bull under the age of two years	10	0
For every ox, cow, steer, heifer, calf and deer, of the first twenty	2	0
For every ox, cow, steer, heifer, calf and deer, of the next twenty	1	0
For every ox, cow, steer, heifer, calf and deer, of all others above forty	0	6
For every ram above the age of twelve months— For the first day the sum of £2 10s. 0d. and thereafter	1	0
For every ewe, sheep, wether, and lamb, of the first forty	1	0
For every ewe, sheep, wether, and lamb, of all others above forty	0	6

TABLE OF CHARGES FOR SUSTENANCE OF CATTLE
IMPOUNDED.

	For each period of 24 hours or part thereof. s. d.	
For every entire horse, mare, gelding, filly, ass, mule, bull, ox, steer, heifer, cow, calf, colt, foal, camel, and deer	5	0
For every ram, ewe, sheep, wether, and lamb	0	9
For every goat	0	6
For every pig	2	0

No fee or charge, whether for poundage or sustenance, to be made for a suckling animal under the age of six months running with its mother.

Section 18.

THE SIXTH SCHEDULE.

RATES FOR DAMAGE BY TRESPASS BY CATTLE.

Description of Cattle.	Trespass in unenclosed forest, pasture land, stubble, after-grass, or other unenclosed land.	Trespass in any enclosed paddock or meadow of grass or stubble.	Trespass in any enclosed growing crop of any kind, or any garden or enclosure whence the crop has not been removed, or in any enclosed public cemetery.
	£ s. d.	£ s. d.	£ s. d.
For every entire horse, mare, gelding, filly, ass, mule, bull, ox, steer, heifer, cow, calf, colt, foal, camel, and deer	0 0 3	0 5 0	1 0 0
For every ram, ewe, sheep, wether and lamb	0 0 1	0 0 6	0 1 0
For every goat ..	0 5 0	0 5 0	1 0 0
For every pig ...	0 12 6	0 12 6	1 0 0

No damage to be claimed in respect of a suckling animal under the age of six months running with its mother.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 27 of 1962

An Act to amend the Loans to Producers Act, 1927-1951.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Loans to Producers Act Amendment Act, 1962". Short titles.

(2) The Loans to Producers Act, 1927-1951, as amended by this Act, may be cited as the "Loans to Producers Act, 1927-1962".

(3) The Loans to Producers Act, 1927-1951, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is inserted in the principal Act after section 3 thereof :— Enactment of s. 3a of principal Act.

3a. The bank may borrow moneys for the purposes of this Act under guarantee of the Treasurer in such amounts under such terms and conditions as the Treasurer may from time to time approve. Power of bank to borrow.

4. Section 4 of the principal Act is amended by inserting after the word "purposes" therein the words "or out of moneys borrowed pursuant to section 3a of this Act". Amendment of principal Act. s. 4.

Amendment of
principal Act,
s. 9.

5. Subsection (3) of section 9 of the principal Act is amended by inserting after the word "made" therein the words "or less than the rate payable by the bank in respect of moneys borrowed in pursuance of section 3a of this Act and from which loans are being made for the time being".

Enactment of
s. 13a of
principal Act.

6. The following section is inserted in the principal Act after section 13 thereof :—

Indemnity by
Treasurer.

13a. (1) The Treasurer shall indemnify the bank for all interest and other financial obligations arising out of any borrowing by the bank pursuant to section 3a of this Act.

(2) Any amounts received by the bank in repayment of loans made out of moneys borrowed by the bank pursuant to section 3a of this Act and any moneys so borrowed which may from time to time be in excess of requirements for the purposes of this Act may be held on deposit with the bank on such terms as the Treasurer may approve or may be deposited with the Treasurer or be paid to the Treasurer in reimbursement for moneys provided pursuant to this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 28 of 1962

An Act to amend the Mental Health Act, 1935-1961.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Mental Health Act Amendment Act, 1962". Short titles.

(2) The Mental Health Act, 1935-1961, as amended by this Act, may be cited as the Mental Health Act, 1935-1962".

(3) The Mental Health Act, 1935-1961, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 3 of the principal Act is amended by striking out the line "Part VI—Voluntary Boarders." and inserting in lieu thereof the line "Part VI—Informal Admissions.". Amendment of principal Act, s. 3.

4. Subsection (4) of section 76 of the principal Act is amended by inserting therein after the word "time" the words "or upon trial leave for a period not exceeding twenty-eight days,". Amendment of principal Act, s. 76.

5. Paragraph (c) of subsection (1) of section 98 of the principal Act is amended— Amendment of principal Act, s. 98.

(a) by inserting therein after the word "House" the words "or of the institution known as Cleland

House or of the institution known as Paterson House”;

- (b) by striking out the word “thereof” therein and inserting in lieu thereof the words “of such respective institution”.

Amendment of principal Act, Part VI.

6. The heading “Voluntary Boarders.” before section 137 of the principal Act is struck out and the heading “Informal Admissions.” is inserted in lieu thereof.

Re-enactment of principal Act, s. 137.

7. Sections 137, 138, 139, 140, 141, 142, 143, 144, 145 of the principal Act are struck out and the following section is inserted in the principal Act in lieu of the same :—

Admission to institution without formal application.

137. Nothing in this Act contained shall prevent any person requiring treatment for mental disorder from being admitted to any institution in pursuance of arrangements made in that behalf and without any formal application, request, order, direction or certificate rendering him liable to be detained under this Act, or from remaining in any institution in pursuance of any such arrangements after he has ceased to be liable so to be detained.

Amendment of principal Act, s. 153c.

8. (1) Subsection (1) of section 153c of the principal Act is amended—

- (a) by inserting therein after the words “Any person” at the beginning thereof the words “of the age of sixteen years or more” ;

- (b) by striking out the words “makes a written application” therein and inserting in lieu thereof the word “applies”.

(2) Subsection (5) of the said section 153c is struck out.

(3) Subsection (6) of the said section 153c is amended—

- (a) by inserting therein after the words “Any person” at the beginning thereof the words “of the age of sixteen years or more” ;

- (b) by striking out the words “upon giving to the person in charge seventy-two hours’ notice in writing of the intention to do so” therein and inserting in lieu thereof the words “at any time” ;

(c) by striking out the words "such notice being given by" therein and inserting in lieu thereof the words "the request of".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 29 of 1962

An Act to amend the Mental Health Act, 1935-1961.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mental Health Act Amendment Act (No. 2), 1962".

(2) The Mental Health Act, 1935-1961, as amended by this Act, may be cited as the "Mental Health Act, 1935-1962".

(3) The Mental Health Act, 1935-1961, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Enactment of s. 11a of the principal Act.

3. The following section is inserted in the principal Act after section 11 thereof :—

Director of Mental Health.

11a. (1) There shall be a Director of Mental Health who shall be appointed pursuant and subject to the Public Service Act, 1936-1959.

(2) The Director-General with the approval of the Minister may by notice in writing authorize the Director of Mental Health to exercise such of the powers of the Director-General under this Act as are specified in the notice and may with the approval of the Minister by notice

in writing revoke any such authority. During the time any such authority is in force the Director of Mental Health may exercise the powers of the Director-General specified in the authority.

4. Section 11a of the principal Act is renumbered 11b.

Amendment of
s. 11a of the
principal Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 30 of 1962

An Act to amend the Mining Act, 1930-1958.

[Assented to 1st November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mining Act Amendment Act, 1962".

(2) The Mining Act, 1930-1958, as amended by this Act, may be cited as the "Mining Act, 1930-1962".

(3) The Mining Act, 1930-1958, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 23b.

3. Paragraph (a) of subsection (1) of section 23b of the principal Act is amended by striking out the words "which is necessary in order to make the substance" therein and inserting in lieu thereof the words "undertaken or effected after the substance first becomes".

Amendment of principal Act, s. 23d

4. Subsection (1) of section 23d of the principal Act is amended by striking out the passage commencing with the word "and" and ending with the word "gypsum" therein.

5. The principal Act is amended by inserting therein after section 41 thereof the following new section :—

Enactment of
s. 41a of
principal Act.

41a. (1) There shall be payable upon every application for registration of a precious stones claim the sum of five pounds. The registration of any such claim shall remain in force for one year from the date of the issue thereof but may be renewed for a further period of one year from time to time upon payment of the sum of five pounds.

Precious stones
claim.

(2) If a person does not renew any such claim within thirty days after the expiration of the registration thereof his right to the claim shall lapse and he shall not be entitled to peg another precious stones claim containing the whole or any part of the land in the lapsed claim or to prospect or mine for precious stones on any such land without the written consent of a warden.

6. Section 53 of the principal Act is amended by inserting therein after paragraph v thereof the following paragraph :—

Amendment of
principal Act,
s. 53.

vi. Such covenants as the Minister shall require to ensure that the lessee will restore the leased land to a condition satisfactory to the Minister.

7. Section 56 of the principal Act is amended by inserting therein after paragraph v the following paragraph :—

Amendment of
principal Act,
s. 56.

vi. Such covenants as the Minister shall require to ensure that the lessee will restore the leased land to a condition satisfactory to the Minister.

8. Section 69d of the principal Act is amended—

Amendment of
principal Act,
s. 69d.

(a) by striking out the words “the occupier” in subsections (2), (3) and (4) thereof and inserting in lieu thereof the words “both the owner and the occupier” in each case ;

(b) by inserting before the words “the occupier” (first occurring) in subsection (5) thereof the words “the owner and” ;

(c) by inserting after the word “satisfied” in subsection (5) thereof the words “after due inquiry that the owner of the private land cannot be found or” ;

(d) by inserting after the word “aforesaid” at the end of subsection (5) thereof the words “to such owner or as the case may be to the occupier”.

(e) by striking out the word "may" in subsection (6) thereof and inserting in lieu thereof the word "shall";

(f) by inserting in the said subsection (6) thereof after paragraph II the following paragraph:—

III. the exploration programme submitted by the applicant.

(g) by inserting in the said section 69d the following subsections after subsection (8) thereof:—

(9) An authority granted or issued pursuant to this section shall confer upon the holder thereof the exclusive right to enter upon the land for any mining purpose.

(10) Unless sooner cancelled an authority granted or issued pursuant to this section after the commencement of the Mining Act Amendment Act, 1962, shall remain in force for a period not exceeding two years but may be renewed.

(11) An authority issued by a warden pursuant to this section may be issued upon the condition that a rental determined by the warden shall be paid during the currency thereof by the holder to the occupier of the land.

(12) An authority may be granted or issued under this section to the Minister.

(13) Notwithstanding anything in this Act contained an authority granted or issued pursuant to this section may, with the consent of the owner and occupier or of the warden, be assigned by the holder thereof to any person.

Amendment of
principal Act,
s. 133.

9. Section 133 of the principal Act is amended by striking out all the words therein after the word "be" and inserting in lieu thereof the words "guilty of an offence and liable to be imprisoned for a term not exceeding two years or a fine not exceeding three hundred pounds or both."

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 31 of 1962

An Act to vest in the Electricity Trust of South Australia portion of Torrens Island and to authorize the Trust to construct certain embankments, barrages, bridges and other works, and for other purposes.

[Assented to 1st November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as "The Electricity Trust of South Australia (Torrens Island Power Station) Act, 1962". Short title.

2. (1) Notwithstanding the provisions of section 64 of the Harbors Act, 1936-1955, the reserves defined in the first schedule to this Act and the land defined in the second schedule to this Act are hereby withdrawn from the South Australian Harbors Board. Resumption of certain reserves.

(2) Notwithstanding anything in the Crown Lands Act, 1929-1960, contained, the reserve defined in the third schedule to this Act is hereby resumed.

3. The land shown in the plan in the fourth schedule to this Act and therein hatched in black being that portion of Torrens Island numbered section 453 Hundred of Port Adelaide and extending to low water mark is by force of this Act vested in The Electricity Trust of South Australia for an estate in fee simple. Vesting of certain land in Electricity Trust of S.A.

4. The Electricity Trust of South Australia may on the land vested in it by section 3 of this Act construct and operate a power station or power stations together with any other structures, equipment, buildings, offices, ancillary works and Construction of power station.

facilities it may deem necessary for the purposes of its undertaking.

Power to construct bridges, etc.

5. Notwithstanding any other Act or law The Electricity Trust of South Australia may for the purposes of any power station to be constructed or which has been constructed by it on the land vested in it by section 3 of this Act—

- (a) construct a temporary barrage across Angas Inlet in a position approximately as shown on the plan in the fourth schedule and therein marked "A" from Torrens Island to Garden Island, thereby preventing access by water between Angas Inlet and North Arm;
- (b) construct a temporary bridge across the North Arm in a position approximately as shown on the said plan and therein marked "B" from Torrens Island to the mainland on the southern side of the North Arm at low level and without any lifting or opening device ;
- (c) construct a permanent bridge or a permanent embankment across Angas Inlet in a position approximately as shown on the plan and therein marked "C" from Torrens Island to Garden Island and if a bridge without any lifting or opening device and if an embankment thereby permanently and completely preventing access by water between Angas Inlet and North Arm ; and
- (d) construct a permanent bridge in a position approximately as shown on the plan and therein marked "D" from Garden Island across the North Arm to the mainland at low level and without any lifting or opening device.

Non-liability of Trust for damages.

6. The Electricity Trust of South Australia shall not be liable for any costs, charges, compensation or damages whatsoever to any person whatsoever arising from or out of the said constructions as provided by this Act whether by reason of hindering or preventing navigation between Angas Inlet and North Arm or by reason of diversion of waters or otherwise howsoever.

Saving.

7. Nothing in this Act shall take away or restrict any other rights or powers of The Electricity Trust of South Australia.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULES.

THE FIRST SCHEDULE.

1. Reserve, section 391, hundred of Port Adelaide, (formerly Reserve No. 8 adjoining section 867), the proclamation of which was published in the *Government Gazette* dated 24th April, 1879.
2. Reserve, section 390, hundred of Port Adelaide, (formerly Reserve No. 9 adjoining section 872) the proclamation of which was published in the *Government Gazette* dated 24th April, 1879.
3. Reserve, No. 10, south-west of and adjoining section 875, hundred of Port Adelaide, the proclamation of which was published in the *Government Gazette* dated 24th April, 1879.

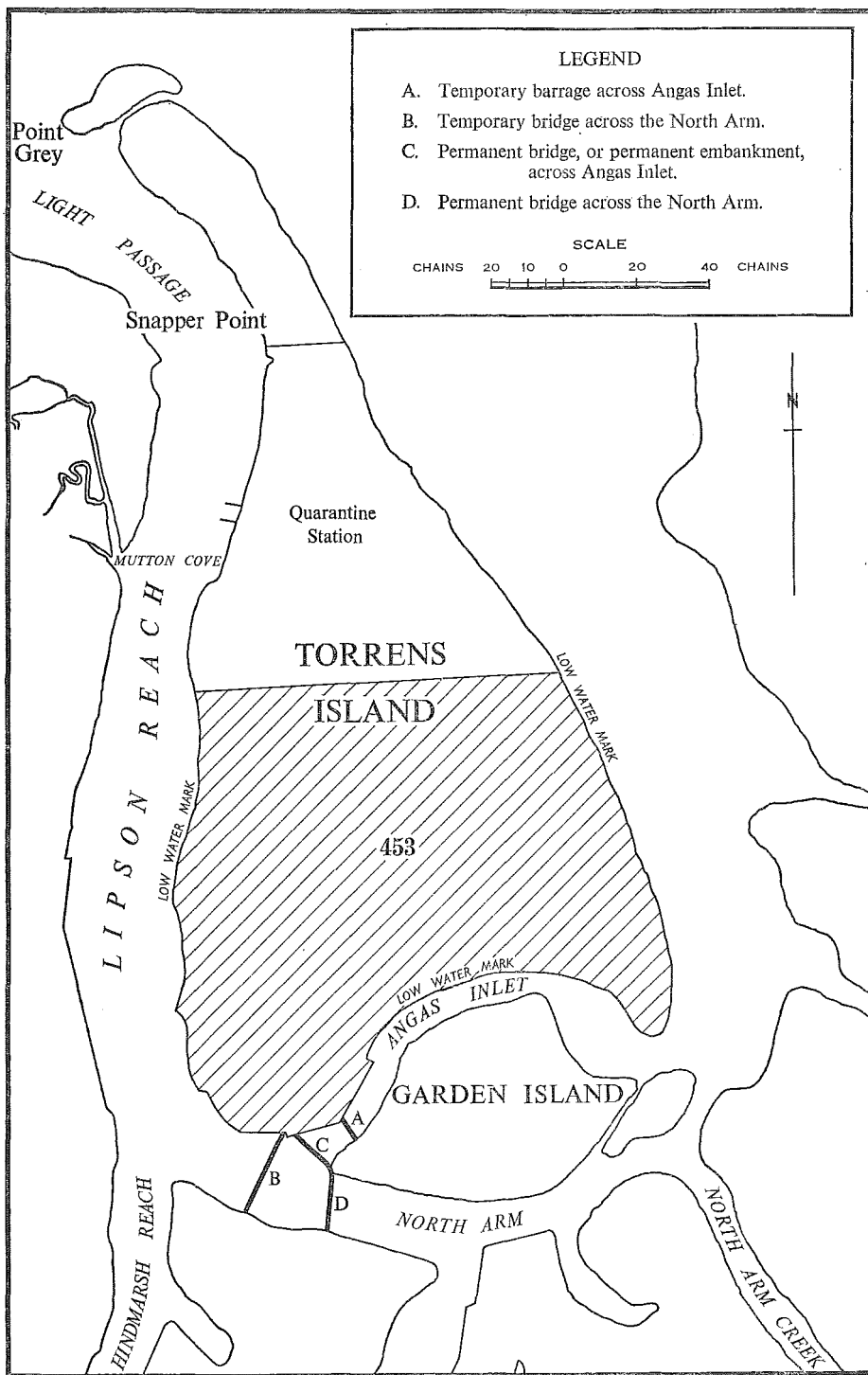
THE SECOND SCHEDULE.

That portion of the hundred of Port Adelaide, comprising the portion of Garden Island west of the eastern boundary of preliminary section 2020 and its production northerly to Angas Inlet, and southerly to the North Arm, being portion of the land acquired under the Harbors Act of 1913, as published in the *Government Gazette* dated 11th April, 1918.

THE THIRD SCHEDULE.

The remaining portion of reserve for quarantine ground for stock, being portion of section 2016, hundred of Port Adelaide, the proclamation of which was published in the *Government Gazette* of the 5th March, 1891.

THE FOURTH SCHEDULE.





ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 32 of 1962

An Act to provide for the amendment and extension of the authority and obligations of banks including savings banks and for that purpose to make certain amendments to The Savings Bank of South Australia Act, 1929-1959, the Succession Duties Act, 1929-1959, and the Stamp Duties Act, 1923-1960, and for other purposes.

[Assented to 1st November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Banks Statutory Obligations Amendment Act, 1962". Short titles.

2. In this Act—

Interpretation.

"Savings Bank" means any of the following banks namely :—

Australia and New Zealand Savings Bank Limited,
Bank of New South Wales Savings Bank Limited,
C.B.C. Savings Bank Limited, E. S. & A. Savings
Bank Limited, The Bank of Adelaide Savings
Bank Limited, The Commercial Savings Bank of
Australia Limited, The Commonwealth Savings
Bank of Australia, The National Bank Savings
Bank Limited, The Savings Bank of South Australia.

Amendment of
Savings Bank
of South
Australia Act,
s. 42.

3. Section 42 of the Savings Bank of South Australia Act, 1929-1959, is amended by inserting at the end thereof the following subsection (the preceding portion of the section being designated as subsection (1) thereof) :—

(2) In addition to the accounts which they are authorized to open and keep by subsection (1) of this section, the Trustees may, upon such terms and conditions as they shall from time to time determine, open and keep accounts to be drawn upon by cheque in the names of and in respect of any person for whom an account may be opened and kept pursuant to subsection (1) of this section and for any of the purposes set out in that subsection. All cheques drawn on accounts opened and kept pursuant to this subsection other than those opened and kept pursuant to subparagraph (ii) of paragraph (1) of paragraph (e) of subsection (1) of this section shall, notwithstanding the provisions of the Stamp Duties Act, 1923-1960, be subject to stamp duty.

Amendment of
Savings Bank
of South
Australia Act,
s. 59.

4. Subsection (1) of section 59 of the Savings Bank of South Australia Act, 1929-1959, is amended—

- (a) by striking out the words “who shall, in their opinion, be the widow or husband of the deceased depositor, or be entitled, otherwise than as such widow or husband” in the twentieth, twenty-first, twenty-second and twenty-third lines thereof and inserting in lieu thereof the words “or persons, being the widow, widower, ancestor or descendant of the deceased depositor who shall in their opinion be entitled” ;
- (b) by inserting after the word “Trustees” in the thirty-fourth line thereof the words “being the widow, widower, ancestor or descendant of the deceased depositor”.

Amendment of
Savings Bank
of South
Australia Act,
s. 60a.

5. Section 60a of the Savings Bank of South Australia Act, 1929-1959, is amended—

- (a) by inserting at the end of subsection (2) thereof the words “upon such terms and conditions as the trustees may from time to time direct” ;
- (b) by inserting after the word “rate” in subsection (6) thereof the words “or rates” ;
- (c) by striking out subsection (8) thereof.

Amendment of
Succession
Duties Act,
s. 63a.

6. Section 63a of the Succession Duties Act, 1929-1959, is amended—

- (a) by inserting after the word “owner” therein the words “or trustee” ;

(b) by striking out subsection (3) thereof and inserting in lieu thereof the following subsection :—

(3) For the purposes of this section, moneys on deposit in any Savings Bank shall, subject as hereinafter provided, be deemed not to be moneys on current account : Provided that—

(a) this section shall in its application to the Savings Bank of South Australia, be subject to section 59 of the Savings Bank of South Australia Act, 1929-1959 ;

(b) it shall be lawful for any Savings Bank in which moneys are held in the name of any deceased person on deposit at interest which moneys with interest do not exceed the sum of six hundred pounds, upon the expiration of one month after the death of that person and if the bank is satisfied after reasonable inquiry that it is unlikely that any steps will be taken to prove the will (if any) of the deceased person or to get letters of administration of the estate or effects of the deceased person, to permit such moneys to be withdrawn by the person or persons being the widow, widower, ancestor or descendant of the deceased person becoming entitled to it without any such certificate from the Commissioner ;

(c) it shall be lawful for any Savings Bank in which moneys are held on deposit in the name of any deceased person jointly with any other person or persons to permit the survivor or survivors of them to continue to withdraw moneys from the account without the Commissioner's certificate or consent : Provided that until such certificate or consent has been given the balance of moneys in the account shall not fall below the amount of the beneficial interest in the said moneys accruing to such survivor or survivors by reason of the death of the deceased person.

Amendment of
Stamp Duties
Act, s. 48a.

7. Subsection (1) of section 48a of the Stamp Duties Act, 1923-1960, is amended by striking out the words "to its customers" therein.

Amendment of
Stamp Duties
Act, second
schedule.

8. The Second Schedule to the Stamp Duties Act, 1923-1960, is amended by inserting therein under the heading "BILL OF EXCHANGE, CHEQUE, ORDER payable on demand, COUPON, or INTEREST WARRANT..... 0 0 3" the following further exemption "Any cheque drawn on an account maintained with a savings bank by a person permitted to draw cheques on such an account in accordance with the provisions set forth in the Commonwealth (Savings Bank) Regulations being Statutory Rules, 1960, No. 6, or any Regulations amending or substituted for the same other than any such amending or substituted Regulations so far as the same extend the class of persons who may draw cheques on any such account".

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 33 of 1962

An Act to amend the Cattle Compensation Act,
1939-1954.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Cattle Compensation Act Amendment Act, 1962". Short titles.

(2) The Cattle Compensation Act, 1939-1954, as amended by this Act, may be cited as the "Cattle Compensation Act, 1939-1962".

(3) The Cattle Compensation Act, 1939-1954, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The definition of "disease" in section 4 of the principal Act is amended by inserting therein after the words "Johne's disease" the words "and any other disease whether of the like nature or not affecting cattle which the Governor has for the time being declared by proclamation to be a disease for the purposes of this Act". Amendment of principal Act, s. 4.

Enactment of
principal Act,
s. 4a.

4. The following section is inserted in the principal Act after section 4 thereof :—

Proclamation
of disease.

4a. (1) The Governor may from time to time by proclamation declare any disease affecting cattle to be a disease for the purposes of this Act.

(2) The Governor may from time to time by proclamation declare that any disease proclaimed as such by a previous proclamation shall cease to be a disease for the purposes of this Act. Any such disease may subsequently again be declared by proclamation to be a disease for the purposes of this Act.

Amendment of
principal Act,
s. 12.

5. Section 12 of the principal Act is amended—

(a) by inserting therein after the word “owner” (second occurring) in subsection (1) thereof the words “except where an agent, as the holder of a valid and current permit issued under subsection (1a) of this section, is exempted from complying with the requirements of this subsection,” ;

(b) by inserting therein after subsection (1) thereof the following subsection :—

(1a) (a) An agent, referred to in subsection (1) of this section, or a person, firm, or company whose business is or includes acting as selling agents of cattle or carcasses of cattle or both, on behalf of various owners, may apply to the Minister for a permit exempting him or them from complying with the requirements of subsection (1) of this section, but authorizing him or them instead, while the permit is effective, to lodge with the Minister returns of purchase-money received from sales of cattle or of carcasses of cattle, or both, sold by the applicant as agent during any periods of any duration fixed by the Minister, and to pay to the Minister the amount of duty payable under section 13 of this Act in respect of the purchase-money included in each return.

(b) If it appears to the Minister—

(i) that the application is made in good faith ; and

- (ii) that if the application is granted, economy in the administration of this Act will result ;

the Minister may issue a permit in writing.

- (c) The Minister may include in the permit such conditions as, in the particular circumstances of the case, the Minister thinks fit to impose, including without affecting the generality of the discretionary power hereby conferred, conditions—
 - (i) as to the manner, form, and time, of compiling and lodging returns, and paying the duty ; and
 - (ii) limiting the period to which each return must relate ;
- (d) The Minister may, by notice in writing served on the holder of a permit so issued,
 - (i) from time to time alter any of the conditions contained in the permit ; or
 - (ii) cancel the permit ;without being required to assign any reason for doing so.
- (e) The Minister shall cause the Commissioner of Stamps to be notified of the issue of any permit, of the conditions of the permit, any alteration of the conditions, and any cancellations of permits.
- (f) Production of a document which purports to be a copy of a permit so issued, or any alteration of the conditions, or any cancellation, of a permit so issued, if purporting to be certified by the Minister to be a copy of the original of which it purports to be a copy, has the same probative value as, and is *prima facie* evidence of the matters contained in, the original.
- (g) Where an agent who is the holder of a valid and current permit so issued, receives purchase-money for the sale on behalf of an owner of cattle or carcasses or both, the agent shall apply so much of the purchase-money as equals the amount of duty

payable under this Act in respect of the purchase-money, in payment of the duty to the Minister whose acknowledgement of receipt of the payment of the amount is a discharge to the agent of liability to pay the amount to the principal or any person claiming through the principal, and is a discharge to the owner for liability to pay that amount of duty.

- (h) Any amount which an agent is required by paragraph (g) of this subsection to pay to the Minister is, until so paid, a debt owing by the agent to the Minister and may, notwithstanding paragraph (j) of this subsection, be recovered from the agent in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.
- (i) A person, who, being an agent referred to in paragraph (g) of this subsection, does not comply with the requirements of that paragraph, commits an offence.
- (j) Until such time as any amount of duty for which an owner is liable under this Act has been paid either by the owner or by his agent, the amount is a debt owing by the owner to the Minister and may, without prejudice to paragraph (h) of this subsection, be recovered in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.
- (c) by striking out the words "this section" in subsection (2) thereof and inserting in lieu thereof the words "subsection (1) of this section or, as the case may be, of any condition imposed under subsection (1a) of this section";
- (d) by inserting the following subsection therein after subsection (3) thereof—

(4) Where the holder of a valid and current permit issued under subsection (1a) of this section compiles returns of any sales of cattle or carcasses of cattle or both he shall instead of complying with the requirements of paragraph (c) of subsection (1) of this section transmit to the purchaser by registered letter within seven days of the sale notification in writing of particulars of the sale

and that as the holder of the permit he has included particulars of the sale in a return compiled pursuant to the permit.

6. Section 13 of the principal Act is amended—

Amendment of
principal Act,
s. 13.

- (a) by inserting before the passage “under section 12” in subsection (1) thereof the words “or as the case may be by payment in respect of returns compiled and lodged” ;
- (b) by striking out the words “one pound or part of one pound” in subsection (2) thereof and inserting in lieu thereof the words “ten pounds or part of ten pounds” ;
- (c) by striking out the words “one halfpenny” in the said subsection (2) thereof and inserting in lieu thereof the words “three pence” ;
- (d) by striking out the words “and three pence” at the end of the said subsection (2).

7. The following section is inserted in the principal Act after section 14 thereof :—

Enactment of
principal Act,
s. 14a.

14a. (1) The Minister, or any person authorized in writing by the Minister, may at any time inspect and examine any books, accounts and statements and take any particulars or require any information which he considers necessary with a view to seeing whether the provisions of this Act as to payment of cattle stamp duty are being complied with.

Inspection of
books etc.

(2) If any person prevents or obstructs the Minister or any person so authorized or refuses or fails to furnish any information so required he shall be liable to a penalty not exceeding fifty pounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 34 of 1962

An Act to provide for the appointment of a Commission to report upon the redivision of the State into electoral districts, and for purposes consequent thereon or incidental thereto.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Electoral Districts (Redivision) Act, 1962".

Interpretation.

2. In this Act, unless the context otherwise requires—

"the Commission" means the Electoral Commission appointed under this Act :

"Commissioner" means a member of the Electoral Commission :

"district" means an electoral district :

"primary production" means agriculture, forestry, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming or any other activity consisting of the cultivation of soils, the gathering in of crops or the rearing of livestock :

“rural areas” means those parts of the State the income and livelihood of the majority of the inhabitants of which are derived predominantly from primary production or from the supply of or processing of goods or services for persons engaged in primary production.

The Electoral Commission.

3. (1) The Governor may appoint an Electoral Commission consisting of three Commissioners of whom one shall be a judge of the Supreme Court who shall be the chairman of the Commission, one shall be the Surveyor-General and one shall be the Assistant Returning Officer for the State. Appointment of Commission.

(2) The Commissioners shall hold office until the Commission has completed its duties under this Act.

4. (1) At every meeting of the Commission the chairman, if present, shall preside, and in his absence the Commissioners present shall appoint one of their number to preside. Procedure at meetings.

(2) Two Commissioners shall constitute a quorum of the Commission for the transaction of business.

(3) A decision of the Commission shall be valid if it is concurred in by at least two Commissioners, but not otherwise.

5. The Royal Commissions Act, 1917, shall apply to the Commission and its proceedings as if— Application of Royal Commissions Act.

(a) the Commission were a commission to whom a commission of inquiry had been issued by the Governor ;

(b) the chairman and each other member of the Commission were the chairman and a member respectively of such a commission ;

(c) the secretary of the Commission were the secretary of such a commission.

Redivision of State into Electoral Districts.

6. (1) Subject as hereinafter mentioned, the Commission shall— Redistribution.

(a) divide the rural areas into twenty approximately equal Assembly districts ;

- (b) divide the remaining area of the State into twenty approximately equal Assembly districts :

Provided that if it appears to the Commission that such remaining area of the State comprises any part or parts of the State outside a radius of thirty miles from the General Post Office at Adelaide, the Commission may provide for one or two additional Assembly districts comprising any such area or areas if such district (or, if two, each of such additional Assembly districts) is of sufficient size to enable compliance with subsection (2) of this section ; and

- (c) divide each proposed Assembly district into subdivisions.

(2) For the purposes of the proviso to paragraph (b) of subsection (1) of this section the Commission shall ensure that the number of electors in any additional Assembly districts (or, if two, each of such additional Assembly districts) shall contain a number of electors equal to at least two-thirds of the average number of electors per district in all the remaining twenty Assembly districts referred to in the said paragraph (b).

(3) For the purposes of subsection (1) of this section Assembly districts within the rural areas shall be regarded as being approximately equal to each other if no such district contains a number of electors more than ten per cent above or below the average of the respective number of electors per district in all such districts and the same principle, *mutatis mutandis*, shall apply to Assembly districts in the remaining part of the State excluding any additional district or districts provided by the Commission under the proviso to paragraph (b) of subsection (1) of this section.

Redivision of
Council
districts.

7. (1) The Commission shall also divide the State into six Legislative Council districts. Each such district shall consist of two or more whole Assembly districts.

(2) In making the division under this section, the Commission shall provide for three Legislative Council districts in the rural areas and three in the remaining part of the State : Provided that a Legislative Council district in the rural areas may include one whole Assembly district which is comprised in the remaining area of the State.

(3) In making the division under this section the Commission shall endeavour to create Legislative Council districts each of which is of convenient shape and has reasonable means of access between the main centres of population therein and retains as far as practicable the boundaries of existing Legislative Council districts.

8. (1) In dividing the State into Assembly electoral districts the Commission, so far as is compatible with the provisions of section 6, shall endeavour to create Assembly districts in each of which respectively the electors have common interests. Matters to be considered.

(2) The Commission shall also, so far as is compatible with the provisions of section 6, and subject to subsection (1) of this section, endeavour to create Assembly districts each of which—

(a) retains as far as possible, boundaries of existing districts and subdivisions ;

(b) subject to paragraph (a) of this subsection, is of convenient shape and has reasonable means of access between the main centres of population therein.

9. (1) Before making its report the Commission shall, by such advertisements as the Commission deems necessary inserted in newspapers circulating generally throughout the State, invite written representations from individuals and organizations as to the redivision of the State into electoral districts and shall by such advertisements fix a time within which such representations must be made. Representations to Commission.

(2) Representations to the Commission shall be in writing and shall include a short summary of the matters intended to be brought to the notice of the Commission.

(3) The Commission shall consider all relevant representations made to it in accordance with subsections (1) and (2) of this section ; and may, at its discretion, hear and consider any evidence, information and arguments submitted to it orally by or on behalf of any person or organization.

(4) Nothing in this section shall be deemed to restrict any power conferred on the Commission by the Royal Commissions Act, 1917.

10. (1) The Commission shall present copies of its report to the Governor and to the President of the Legislative Council and the Speaker of the House of Assembly. Report.

(2) The President and Speaker shall lay copies of the report on the table of the Legislative Council and House of Assembly respectively.

Financial
provision.

11. The money required for the expenses of or incidental to the appointment and work of the Commission shall be paid out of the money provided by Parliament for those purposes.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 35 of 1962

An Act to amend the Fisheries Act, 1917-1956.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Fisheries Act Amendment Act, 1962". Short titles.

(2) The Fisheries Act, 1917-1956, as amended by this Act may be cited as the "Fisheries Act, 1917-1962".

(3) The Fisheries Act, 1917-1956, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 4 of the principal Act is amended by inserting therein after the definition of "licence" the following definition :— Amendment of principal Act, s. 4.

"noxious fish" means—

(a) European carp *Cyprinus carpio Linnaeus* in all its sub-species races varieties or domesticated forms ;

(b) any species of fish or any races varieties or domesticated forms of any species of fish or any fish hybrid which the Governor may by proclamation declare to be noxious fish,

and includes the eggs of any noxious fish.

Amendment of
principal Act,
s. 6.

4. Subsection (1) of section 6 of the principal Act is amended by inserting at the end thereof the following paragraph:—

VIII. Declare any species of fish or any races varieties or domesticated forms of any species of fish or any fish hybrid to be noxious fish.

Amendment of
principal Act,
s. 13.

5. Section 13 of the principal Act is amended—

(a) by striking out subsection (2) thereof and inserting in lieu thereof the following subsection:—

(2) Such licences shall be yearly licences, and may be issued at any time: Provided that every licence shall expire on the last day of November next after the same is issued: Provided further that if any licence is issued after the last day of May in any year one-half only of the prescribed fee shall be payable.

(b) by striking out the word “fourteen” in subsection (2a) thereof and inserting in lieu thereof the word “sixty”.

Amendment of
principal Act,
s. 14a.

6. Section 14a of the principal Act is amended—

(a) by striking out the word “December” in subsection (2) thereof and inserting in lieu thereof the word “November”;

(b) by striking out the word “fourteen” in subsection (3) thereof and inserting in lieu thereof the word “sixty”;

(c) by striking out the word “December” in the said subsection (3) thereof and inserting in lieu thereof the word “November”.

Amendment of
principal Act,
s. 16.

7. Section 16 of the principal Act is amended—

(a) by inserting in subsection (3) thereof after the word “used” at the end of the said subsection the passage “, or on the last day of November next after the registration of the boat, whichever first happens”;

(b) by inserting the following subsection therein after subsection (4) thereof—

(5) Where any person to whom a Certificate of Registration is issued ceases to take fish or oysters as aforesaid in such boat, or ceases to use such boat in the taking of fish or oysters as

aforesaid or ceases to manage or take part in the management of such boat, he shall within one month from and after ceasing as aforesaid give notice thereof to the Chief Inspector and failure to do so shall be an offence against this Act.

8. Section 53 of the principal Act is amended—

Amendment of
principal Act,
s. 53.

(a) by inserting therein after paragraph (g) thereof the following paragraph :—

(h) without lawful authority takes or attempts to take fish for sale or being the holder of a licence under section 13 takes or attempts to take fish in contravention of the conditions contained in such licence ;

(b) by inserting after the word “sells” in paragraph (m) thereof the words “or knowingly has in his possession or control” ;

(c) by striking out the proviso to paragraph (q) thereof and inserting in lieu thereof the following proviso :—

Provided that it shall not be an offence against any of the provisions of this paragraph if the act alleged was done with the prior written consent of the Minister.

(d) by inserting therein after paragraph (u) thereof the following paragraph :—

(v) without the written consent of the Minister (which consent the Minister is hereby authorized with or without such conditions as he deems fit to give) keeps, hatches, rears, consigns or conveys, or causes to be kept, hatched, reared, consigned or conveyed, or releases or causes to be released into any waters, or puts into any container intending it to hold live fish or the eggs of fish, any noxious fish.

9. Subsection (2) of section 56 of the principal Act is amended—

Amendment of
principal Act,
s. 56.

(a) by inserting therein before the words “not more than twenty pounds” the words “not less than five pounds and” ;

(b) by inserting therein before the words “not more than fifty pounds” the words “not less than twenty pounds and” ;

(c) by inserting at the end thereof the following proviso :—

Provided that in the case of any offence against paragraph (a), (h), (j), (k), (m), (s) or (t) of section 53 there shall be an additional penalty of not less than ten shillings for every fish of the species known as “crayfish”, or of any other prescribed species, which the offender took, sold, or had in his possession, in the course of committing, or in furtherance of, the offence.

Amendment of
principal Act,
s. 59.

10. Section 59 of the principal Act is amended by inserting therein after paragraph (c6) thereof the following paragraphs :—

- (c7) regulating the rights or priority as between fishermen in the hauling and setting or use of nets or any other device used for taking fish, and for the preservation of good order amongst persons engaged in the taking of fish by any means whatsoever.
- (c8) providing for the control and eradication of noxious fish.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 36 of 1962

An Act to amend the Harbors Act, 1936-1955.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Harbors Act Amendment Act, 1962". Short titles.
- (2) The Harbors Act, 1936-1955, as amended by this Act, may be cited as the "Harbors Act, 1936-1962".
- (3) The Harbors Act, 1936-1955, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 71b of the principal Act is amended by inserting after subsection (2) thereof the following subsections :— Amendment to principal Act, s. 71b.
 - (2a) Where any of the land proposed to be transferred by the board to the Commonwealth pursuant to any such arrangement is comprised in land which, pursuant to any Act, has been dedicated or reserved for any purpose, the Governor may by Proclamation resume such land and may, on payment by the board of such consideration as may be fixed by the Minister of Lands on the recommendation of The Land Board, grant the fee simple of such land to the board for the purpose of enabling the board to carry the arrangement into effect.

(2b) Where any of the land proposed to be transferred by the board to the Commonwealth pursuant to any such arrangement is comprised in a Crown lease as defined in section 147 of the Crown Lands Act, 1929-1960, the Minister of Lands may accept the surrender of the lease or any part or parts thereof or resume for the purposes of this section the land or any part thereof comprised in any such lease.

(2c) The Governor may, on payment by the board of such consideration as may be fixed by the Minister of Lands on the recommendation of The Land Board, grant the fee simple of any land surrendered or resumed under subsection (2b) of this section to the board for the purpose of enabling the board to carry the arrangement into effect.

(2d) The provisions of the Crown Lands Act, 1929-1960, shall, so far as they are applicable, apply to, and in relation to, any surrender or resumption referred to in this section and any resumption of land for the purposes of this section shall be deemed to be a resumption for a public purpose.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 37 of 1962

An Act to amend the Hire-Purchase Agreements Act, 1960.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Hire-Purchase Agreements Act Amendment Act, 1962". Short titles.

(2) The Hire-Purchase Agreements Act, 1960, as amended by this Act, may be cited as the "Hire-Purchase Agreements Act, 1960-1962".

(3) The Hire-Purchase Agreements Act, 1960, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following sections are inserted in the principal Act after section 46 thereof :— Enactment of sections 46a, 46b, and 46c of the principal Act.

46a. Any authority or licence (other than an authority or licence given by a company) to take possession of personal chattels contained in any agreement made after the commencement of the Hire-Purchase Agreements Act Amendment Act, 1962, which operates as a Bill of Sale within the meaning of the Bills of Sale Act, 1886-1940, but is not in registrable form pursuant to the provisions of that Act shall be wholly unenforceable by the grantee thereof.

Effect of bill of sale not in registrable form.

Demanding
sum in excess
of that due.

46b. Any person who knowingly makes demand upon the hirer of goods under any hire-purchase agreement whether entered into before the commencement of the Hire-Purchase Agreements Act Amendment Act, 1962, or not, for payment to the owner of any sum in excess of the amount properly due to the owner pursuant to the agreement, shall be guilty of an offence.

Provision
where owner of
goods is money-
lender.

46c. (1) Where a person who is engaged in the trade of selling or hiring goods (in this section referred to as "the trader") is in possession of goods with the knowledge and consent of the true owner thereof and that owner is a money-lender licensed pursuant to the Money-lenders Act, 1940-1960 :—

(a) any hire-purchase agreement or agreement for letting those goods made by the trader acting in the ordinary course of his business shall be as valid as if the trader were expressly authorized by the true owner of the goods to enter into such agreement, and any payments made by the hirer to the trader shall be deemed to be made to the true owner until that owner gives to the hirer notice in writing that future payments shall be made to that owner ; or

(b) where such goods are the subject of a hire-purchase agreement (or an agreement which would be a hire-purchase agreement but for the exception under paragraph (b) to the definition of "hire-purchase agreement" contained in section 2 of this Act) or unregistered Bill of Sale under which the trader or some other person is the hirer or grantor, any sale by the trader of such goods to a *bona fide* purchaser for value and without notice of the existence of such agreement or assurance shall be deemed to be a valid sale by the owner to the purchaser and any payment by the purchaser to the trader shall be deemed to be payment to the owner.

(2) (a) This section shall not, save as is herein expressly provided, exempt the trader from any action or suit in respect of tort or breach of contract or otherwise which might, but for the provisions of this section, have been brought against him.

(b) This section shall not exempt any person from any indictment or other proceedings for an offence which is punishable at common law or under any Act.

(c) The rights given by this section to a purchaser or hirer of goods other than the trader shall be in addition to any rights he may otherwise have at law.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 38 of 1962

An Act to amend the Parliamentary Superannuation Act, 1948-1960.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Parliamentary Superannuation Act Amendment Act, 1962".

(2) The Parliamentary Superannuation Act, 1948-1960, as amended by this Act, may be cited as the "Parliamentary Superannuation Act, 1948-1962".

(3) The Parliamentary Superannuation Act, 1948-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 18.

3. Section 13 of the principal Act is amended—

(a) by striking out all the words after the words "ten years" in paragraph (a) thereof and inserting in lieu thereof the words "and up to eighteen years and for each complete three years in excess of eighteen years but not exceeding four hundred and fifty pounds a year";

- (b) by striking out all the words after the words “ten years” in paragraph (b) thereof and inserting in lieu thereof the words “and up to eighteen years and for each complete three years in excess of eighteen years but not exceeding five hundred pounds a year” ;
- (c) by striking out all the words after the words “ten years” in paragraph (c) thereof and inserting in lieu thereof the words “and up to eighteen years and for each complete three years in excess of eighteen years but not exceeding seven hundred and fifty pounds a year” ;
- (d) by striking out all the words after the words “ten years” in paragraph (d) thereof and inserting in lieu thereof the words “and up to eighteen years and for each complete three years in excess of eighteen years but not exceeding one thousand one hundred and twenty-five pounds a year”.

4. Section 19 of the principal Act is amended by striking out the words “after having served for less than ten years” therein and inserting in lieu thereof the words “without leaving a widow entitled to a pension”.

Amendment of principal Act, s. 19.

5. The following section is inserted in the principal Act after section 19 thereof :—

Enactment of s. 19a of principal Act.

19a. Where a pensioner dies without leaving a widow entitled to a pension or a widow of a member or of a pensioner dies after becoming entitled to a pension and the total amount of pension received by the pensioner or the widow or the pensioner and widow together as the case may be is less than the total amount of the contributions paid by the pensioner or member without interest the trustees shall pay the amount by which the total amount of such contributions exceeds the total amount of pension so received to the personal representatives of the deceased pensioner or widow or to any other person or persons to whom the trustees deem it just to pay the said amount.

Death of pensioner without widow.

6. The amendments effected by this Act shall take effect on the first day of the month next after this Act is assented to by the Governor : Provided that the pension payable to a

Operation of Act.

pensioner or widow of a pensioner after the said day shall be determined as if the additional entitlement to pension in respect of the service of the member concerned in excess of eighteen years provided by this Act had been provided before the date upon which the pensioner or widow first became entitled to a pension whichever was the earlier.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 39 of 1962

An Act to amend the Prices Act, 1948-1961.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Prices Act Amendment Act, 1962". Short titles.
- (2) The Prices Act, 1948-1961, as amended by this Act, may be cited as the "Prices Act, 1948-1962".
- (3) The Prices Act, 1948-1961, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. Section 53 of the principal Act is amended by striking out the words "sixty-three" therein and inserting in lieu thereof the words "sixty-four". Amendment of principal Act.
s. 53—
Duration of Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 40 of 1962

An Act to provide for the control and eradication of
Red Scale and for other purposes.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows :

Short title.

1. This Act may be cited as the "Red Scale Control Act,
1962".

Commence-
ment.

2. This Act shall come into force on a day to be fixed by
the Governor by proclamation.

Interpretation.

3. In this Act, unless the context otherwise requires—

"Committee" means a Red Scale Committee appointed by
the Minister pursuant to section 7 of this Act :

"district" means an area declared by the Governor to be a
district under section 4 of this Act :

"host tree" means all or any of the following trees, namely,
orange tree, lemon tree, mandarin tree, grapefruit
tree, any other citrus tree and any other tree, shrub,
vine or plant known to be infested with red scale :

"orchard" means any area of land on which not less than
forty host trees are growing :

"red scale" means the insect pest known as *Aonidiella*
Aurantii or "red scale" :

“tree”, “vine”, “shrub” and “plant” respectively shall include the fruit or other product of the tree, vine, shrub or plant and any or every part of the tree, vine, shrub or plant and of the fruit or product thereof.

4. The Governor may by proclamation declare any area in the State to be a district for the purposes of this Act. The Governor may at any time amend or revoke any such proclamation.

Declaration of districts.

5. Subject to this Act and the regulations every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture.

Orchards to be registered.

6. (1) The Minister may, whenever it appears expedient so to do, direct that a poll be held within a district on the question whether a Red Scale Committee shall be appointed for that district.

Poll for constitution of a Red Scale Committee.

(2) The Returning Officer for the State shall conduct the poll upon the day fixed by the Minister.

(3) Every person who at least twenty-one days before such day shall be registered pursuant to section 5 of this Act as the owner or keeper of an orchard within the district shall be qualified to vote at the poll: Provided that where two or more persons are so registered only one of such persons shall be qualified to vote at the poll; such person shall be that one of their number nominated by the owners or occupiers concerned at the time of registration. The Minister shall prepare and supply for the Returning Officer of the State a list of all persons so qualified to vote and the persons whose names appear on that list and no others shall be entitled to vote at the poll.

(4) The poll shall be conducted by postal vote and each voter shall have one vote.

(5) Subject to this Act and the regulations the poll shall be conducted in such manner as the Returning Officer for the State deems proper.

(6) The Governor may make regulations prescribing any matters necessary or convenient for or in connection with any poll to be held under this section.

7. If on a poll being taken pursuant to section 6 of this Act at least sixty per centum of those persons who vote on the question being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the appointment of a Committee for the district, the following provisions shall operate and have effect:—

Result of poll.

Constitution of
a Red Scale
Committee.

- (a) the Minister shall, by notice in the *Gazette*, appoint and name a Red Scale Committee for the district ;
- (b) such Committee shall consist of five members, four of whom shall be persons who were entitled to vote at the poll and who may at the Minister's discretion be nominated by such growers' organization or association within the district as the Minister shall approve ; the fifth member of the Committee shall be nominated by the Minister and shall be the chairman of the Committee ; each member shall hold office for a term of three years and shall be eligible for reappointment from time to time ;
- (c) the Governor may make regulations prescribing the holding of, and procedure at, meetings of the Committee, the filling of casual vacancies, and the payment out of the funds of the Committee of fees and allowances to members of the Committee for their services as such.

Poll for
dissolution of
Committee.

8. (1) The Minister shall when requested so to do by a petition signed by not less than ten per centum of the persons registered as owners or keepers of orchards within a district, direct that a poll be held within the district on the question whether the Committee for that district should be dissolved. The provisions of subsections (2), (3), (4), (5) and (6) of section 6 shall apply in respect of any such poll.

(2) If on the taking of such a poll at least sixty per centum of those persons who vote on the question, being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the dissolution of the Committee for the district the Committee shall proceed to wind up its affairs and when the affairs of the Committee are wholly wound up all moneys and other assets held by the Committee shall become the property of Her Majesty and shall be dealt with as the Minister directs.

(3) No petition under this section shall be presented within a period of three years after the holding of a poll under this section.

Powers of
Committees.

9. A Committee shall have the following powers, namely :—

- (a) to take all such steps as the Committee shall deem fit for the control and eradication of red scale within the district ;
- (b) by any person or persons authorized in writing by the Committee under the hand of its Chairman to enter upon any land or premises within the district and

for the purpose of controlling and eradicating red scale, to spray, fumigate, prune or otherwise treat all or any trees, vines, shrubs and plants therein with such materials and by such methods as the Committee shall from time to time on the recommendation of the Director of Agriculture determine ;

- (c) to establish and administer a fund to consist of moneys received pursuant to this Act ;
- (d) to purchase, hire, or acquire, plant, equipment and materials ;
- (e) to borrow money to enable it to exercise any of the powers or functions conferred on it by this Act and to give security over any of its assets for repayment of money so borrowed ;
- (f) to appoint and engage such officers and employees as the Committee shall think fit and to remunerate them with moneys from the fund ;
- (g) to demand and recover payment of fees and charges from the owner or occupier of any land or premises in the district for any treatment carried out by or on behalf of the Committee in pursuance of this Act and to fix any accounting period in relation to the liability for and payment of those fees and charges ;
- (h) to estimate the fees and charges payable in respect of an accounting period so fixed, by any such owner or occupier and demand and recover from him one half of those fees and charges at the commencement of that period and the balance of those fees and charges not earlier than four months thereafter ;
- (i) to refund to, or demand and recover from such owner or occupier, so soon as it can be ascertained, the amount by which the estimate of the fees and charges is greater or less as the case may be than the assessment of the fees and charges ;
- (j) to commence and maintain by and in the name of the Chairman of the Committee proceedings against, and to recover from any owner or occupier any such fees and charges by action in the local court nearest to the land or premises in respect of which such charge shall have been made, provided that the Committee may, in its discretion, waive or settle any such charges ;
- (k) such other powers, not inconsistent with this Act, as may be prescribed.

Contributions
to Committee.

10. (1) A Committee may, by notice in the *Gazette* from time to time require persons who are registered under this Act in the district for which the Committee is appointed to pay to the Committee contributions in such amounts or at such rates as the Minister shall from time to time approve towards the general costs of the administration of this Act by the Committee.

(2) The notice shall specify the persons or classes of persons who are required to pay contributions, the amount of the contributions or the manner in which they are computed and the time on or before which they must be paid.

(3) The Committee shall, by post or personal service, give to every person liable to contribute under this section a written notice of the amount payable by him and the time when that amount is to be paid, and if the Committee decides that contributions may be paid by instalments, the notice shall also state the amount of the instalments and the times when they are to be paid. The contribution shall be payable in accordance with the notice.

(4) If any contribution or instalment thereof is not paid in full as and when it becomes payable, the Committee may by and in the name of the Chairman of the Committee recover the amount owing, as a debt, by action in any court of competent jurisdiction.

Obstruction of
Committee.

11. A person shall not obstruct, interfere with or wilfully delay a Committee or any officer or employee of a Committee or any person or persons authorized in writing by the Committee in the execution of any of his duties or powers under this Act.

Validity of Acts
of Committee.

12. All acts and proceedings of a Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or at the time of the act or proceeding there was a vacancy in the office of any member, be as valid as if all the members had been duly appointed and had acted as members of the Committee and as if the Committee had been properly and fully constituted.

Protection to
Committee.

13. Neither a Committee nor any member, officer or employee thereof or person authorized in writing by it shall be liable except in respect of any wilful neglect or default to any legal proceedings for anything done in pursuance of this Act.

14. Every person who contravenes or fails to comply with any provision of this Act or the regulations whether by act or omission shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds. General
penalty.

15. Proceedings for offences against this Act shall be heard and determined summarily. Summary
procedure.

16. The Governor may make regulations not inconsistent with this Act prescribing all matters required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act. Regulations.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 41 of 1962

An Act to provide for the control and eradication of San José Scale and for other purposes.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "San José Scale Control Act, 1962".

Commencement.

2. This Act shall come into force on a day to be fixed by the Governor by proclamation.

Interpretation.

3. In this Act, unless the context otherwise requires—

"Committee" means a San José Scale Committee appointed by the Minister pursuant to section 7 of this Act :

"district" means an area declared by the Governor to be a district under section 4 of this Act :

"host tree" means all or any of the following trees, namely, almond tree, apricot tree, peach tree, pear tree, nectarine tree, apple tree and any other shrub, vine or plant known to be infested with San José Scale :

"orchard" means any area of land on which not less than forty host trees are growing :

"San José Scale" means the insect pest known as *quadraspidiotus perniciosus* or "San José Scale":

“tree”, “vine”, “shrub” and “plant” respectively shall include the fruit or other product of the tree, vine shrub or plant and any or every part of the tree, vine, shrub or plant and of the fruit or product thereof.

4. The Governor may by proclamation declare any area in the State to be a district for the purposes of this Act. The Governor may at any time amend or revoke any such proclamation.

Declaration of districts.

5. Subject to this Act and the regulations every owner or keeper of an orchard within a district shall cause such orchard to be registered at the Department of Agriculture.

Orchards to be registered.

6. (1) The Minister may, whenever it appears expedient so to do, direct that a poll be held within a district on the question whether a San José Scale Committee shall be appointed for that district.

Poll for constitution of San José Scale Committee.

(2) The Returning Officer for the State shall conduct the poll upon the day fixed by the Minister.

(3) Every person who at least twenty-one days before such day shall be registered pursuant to section 5 of this Act as the owner or keeper of an orchard within the district shall be qualified to vote at the poll: Provided that where two or more persons are so registered only one of such persons shall be qualified to vote at the poll; such person shall be that one of their number nominated by the owners or occupiers concerned at the time of registration. The Minister shall prepare and supply for the Returning Officer of the State a list of all persons so qualified to vote and the persons whose names appear on that list and no others shall be entitled to vote at the poll.

(4) The poll shall be conducted by postal vote and each voter shall have one vote.

(5) Subject to this Act and the regulations the poll shall be conducted in such manner as the Returning Officer for the State deems proper.

(6) The Governor may make regulations prescribing any matters necessary or convenient for or in connection with any poll to be held under this section.

7. If on a poll being taken pursuant to section 6 of this Act at least sixty per centum of those persons who vote on the question being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the appointment of a Committee for the district, the following provisions shall operate and have effect:—

Result of Poll.

Constitution of
San José Scale
Committee.

- (a) the Minister shall, by notice in the *Gazette*, appoint and name a San José Scale Committee for the district ;
- (b) such Committee shall consist of five members, four of whom shall be persons who were entitled to vote at the poll and who may at the Minister's discretion be nominated by such growers' organization or association within the district as the Minister shall approve ; the fifth member of the Committee shall be nominated by the Minister and shall be the chairman of the Committee ; each member shall hold office for a term of three years and shall be eligible for reappointment from time to time ;
- (c) the Governor may make regulations prescribing the holding of, and procedure at, meetings of the Committee, the filling of casual vacancies, and the payment out of the funds of the Committee of fees and allowances to members of the Committee for their services as such.

Poll for
dissolution of
Committee.

8. (1) The Minister shall when requested so to do by a petition signed by not less than ten per centum of the persons registered as owners or keepers of orchards within a district, direct that a poll be held within the district on the question whether the Committee for that district should be dissolved. The provisions of subsections (2), (3), (4), (5) and (6) of section 6 shall apply in respect of any such poll.

(2) If on the taking of such a poll at least sixty per centum of those persons who vote on the question, being not less than thirty per centum of all the persons qualified and entitled to vote thereon, vote in favour of the dissolution of the Committee for the district the Committee shall proceed to wind up its affairs and when the affairs of the Committee are wholly wound up all moneys and other assets held by the Committee shall become the property of Her Majesty and shall be dealt with as the Minister directs.

(3) No petition under this section shall be presented within a period of three years after the holding of a poll under this section.

Powers of
Committee.

9. A Committee shall have the following powers, namely :—
- (a) to take all such steps as the Committee shall deem fit for the control and eradication of San José Scale within the district ;
 - (b) by any person or persons authorized in writing by the Committee under the hand of its Chairman to enter upon any land or premises within the district and

for the purpose of controlling and eradicating San José Scale, to remove, spray, fumigate, prune or otherwise treat all or any trees, vines, shrubs and plants therein with such materials and by such methods as the Committee shall from time to time on the recommendation of the Director of Agriculture determine ;

- (c) to establish and administer a fund to consist of moneys received pursuant to this Act ;
- (d) to purchase, hire, or acquire, plant, equipment and materials ;
- (e) to borrow money to enable it to exercise any of the powers or functions conferred on it by this Act and to give security over any of its assets for repayment of moneys so borrowed ;
- (f) to appoint and engage such officers and employees as the Committee shall think fit and to remunerate them with moneys from the fund ;
- (g) to demand and recover payment of fees and charges from the owner or occupier of any land or premises in the district for any treatment carried out by or on behalf of the Committee in pursuance of this Act and to fix any accounting period in relation to the liability for and payment of those fees and charges ;
- (h) to estimate the fees and charges payable in respect of an accounting period so fixed, by any such owner or occupier and demand and recover from him one half of those fees and charges at the commencement of that period and the balance of those fees and charges not earlier than four months thereafter ;
- (i) to refund to, or demand and recover from such owner or occupier, so soon as it can be ascertained, the amount by which the estimate of the fees and charges is greater or less as the case may be than the assessment of the fees and charges ;
- (j) to commence and maintain by and in the name of the Chairman of the Committee proceedings against, and to recover from any owner or occupier any such fees and charges by action in the local court nearest to the land or premises in respect of which such charge shall have been made, provided that the Committee may, in its discretion, waive or settle any such charges ;
- (k) such other powers, not inconsistent with this Act, as may be prescribed.

Contributions
to Committee.

10. (1) A Committee may, by notice in the *Gazette* from time to time require persons who are registered under this Act in the district for which the Committee is appointed to pay to the Committee contributions in such amounts or at such rates as the Minister shall from time to time approve towards the general costs of the administration of this Act by the Committee.

(2) The notice shall specify the persons or classes of persons who are required to pay contributions, the amount of the contributions or the manner in which they are computed and the time on or before which they must be paid.

(3) The Committee shall, by post or personal service, give to every person liable to contribute under this section a written notice of the amount payable by him and the time when that amount is to be paid, and if the Committee decides that contributions may be paid by instalments, the notice shall also state the amount of the instalments and the times when they are to be paid. The contribution shall be payable in accordance with the notice.

(4) If any contribution or instalment thereof is not paid in full as and when it becomes payable, the Committee may by and in the name of the Chairman of the Committee recover the amount owing, as a debt, by action in any court of competent jurisdiction.

Obstruction of
Committee.

11. A person shall not obstruct, interfere with or wilfully delay a Committee or any officer or employee of a Committee or any person or persons authorized in writing by the Committee in the execution of any of his duties or powers under this Act.

Validity of acts
of Committee.

12. All acts and proceedings of a Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or at the time of the act or proceeding there was a vacancy in the office of any member, be as valid as if all the members had been duly appointed and had acted as members of the Committee and as if the Committee had been properly and fully constituted.

Protection to
Committee.

13. Neither a Committee nor any member, officer or employee thereof or person authorized in writing by it shall be liable except in respect of any wilful neglect or default to any legal proceedings for anything done in pursuance of this Act.

14. Every person who contravenes or fails to comply with any provision of this Act or the regulations whether by act or omission shall be guilty of an offence and liable on conviction of a fine not exceeding one hundred pounds. General penalty.

15. Proceedings for offences against this Act shall be heard and determined summarily. Summary procedure.

16. The Governor may make regulations not inconsistent with this Act prescribing all matters required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act. Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 42 of 1962

An Act to amend the Stock Diseases Act, 1934-1959.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Stock Diseases Act Amendment Act, 1962".

(2) The Stock Diseases Act, 1934-1959, as amended by this Act, may be cited as the "Stock Diseases Act, 1934-1962".

(3) The Stock Diseases Act, 1934-1959, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 5.

3. Subsection (1) of section 5 of the principal Act is amended by inserting after the word "eggs" in the definition of "animal product" therein the words "honey, bees-wax, and all raw, partially cooked, manufactured, or processed, animal products".

Amendment of principal Act, s. 8.

4. Section 8 of the principal Act is amended by inserting therein after paragraph x thereof the following paragraph :—

- xa. Empowering the Minister to require the owner thereof to sell for the purposes of slaughter any sheep quarantined by reason of footrot, or any sheep which in the opinion of the Chief Inspector have been exposed to infection with footrot.

5. Section 19 of the principal Act is amended by inserting after subsection (2) thereof the following new subsection :—

Amendment of
principal Act,
s. 19.

(3) In any proceedings under this section proof that stock are in fact diseased shall be *prima facie* evidence that the owner of that stock knew or suspected that the stock was diseased.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 43 of 1962

An Act to amend the Swine Compensation Act,
1936-1960.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Swine Compensation Act Amendment Act, 1962".

(2) The Swine Compensation Act, 1936-1960, as amended by this Act, may be cited as the "Swine Compensation Act, 1936-1962".

(3) The Swine Compensation Act, 1936-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment
principal Act,
s. 8.

3. Paragraph (c) of subsection (4) of section 8 of the principal Act is amended by inserting therein after subparagraph (i) thereof the following subparagraph :—

(ia) that all swine stamp duty (if any) which was payable on the sale to the owner of the pigs for which or for the carcasses of which the owner claims compensation was duly paid in accordance with the provisions of section 13 ; and

4. Subsection (3) of section 12 of the principal Act is amended by adding at the end thereof the following proviso :—

Amendment of
principal Act,
s. 12.

Provided that a sum not exceeding two thousand five hundred pounds per annum may be expended from the fund for the purpose of research and investigation into swine diseases.

5. Section 13 of the principal Act is amended—

Amendment of
principal Act,
s. 13.

(a) by inserting therein after the word “owner” (second occurring) in subsection (1) thereof the words “except where an agent, as the holder of a valid and current permit issued under subsection (1a) of this section, is exempted from complying with the requirements of this subsection,” ;

(b) by inserting therein after subsection (1) thereof the following subsection :—

(1a) (a) An agent, referred to in subsection (1) of this section, or a person, firm, or company whose business is or includes acting as selling agents of pigs or carcasses of pigs or both, on behalf of various owners, may apply to the Minister for a permit exempting him or them from complying with the requirements of subsection (1) of this section, but authorizing him or them instead, while the permit is effective, to lodge with the Minister returns of purchase-money received from sales of pigs or of carcasses of pigs, or both, sold by the applicant as agent during any periods of any duration fixed by the Minister, and to pay to the Minister the amount of duty payable under section 15 of this Act in respect of the purchase-money included in each return.

(b) If it appears to the Minister—

(i) that the application is made in good faith; and

(ii) that if the application is granted, economy in the administration of this Act will result,

the Minister may issue a permit in writing.

(c) The Minister may include in the permit such conditions as, in the particular circumstances of the case, the Minister thinks fit to impose,

including without affecting the generality of the discretionary power hereby conferred, conditions—

- (i) as to the manner, form, and time, of compiling and lodging returns, and paying the duty; and
- (ii) limiting the period to which each return must relate.

(d) The Minister may, by notice in writing served on the holder of a permit so issued,

- (i) from time to time alter any of the conditions contained in the permit; or
- (ii) cancel the permit;

without being required to assign any reason for doing so.

(e) The Minister shall cause the Commissioner of Stamps to be notified of the issue of any permit, of the conditions of the permit, any alteration of the conditions, and any cancellations of permits.

(f) Production of a document which purports to be a copy of a permit so issued, or any alteration of the conditions, or any cancellation, of a permit so issued, if purporting to be certified by the Minister to be a copy of the original of which it purports to be a copy, has the same probative value as, and is *prima facie* evidence of the matters contained in, the original.

(g) Where an agent who is the holder of a valid and current permit so issued, receives purchase-money for the sale on behalf of an owner of pigs or carcasses or both, the agent shall apply so much of the purchase-money as equals the amount of duty payable under this Act in respect of the purchase-money, in payment of the duty to the Minister whose acknowledgement of receipt of the payment of the amount is a discharge to the agent of liability to pay the amount to the principal or any person claiming through the principal, and is a discharge to the owner for liability to pay that amount of duty.

(*h*) Any amount which an agent is required by paragraph (*g*) of this subsection to pay to the Minister, is, until so paid, a debt owing by the agent to the Minister and may, notwithstanding paragraph (*j*) of this subsection, be recovered from the agent in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.

(*i*) A person, who, being an agent referred to in paragraph (*g*) of this subsection, does not comply with the requirements of that paragraph, commits an offence.

(*j*) Until such time as any amount of duty for which an owner is liable under this Act has been paid either by the owner or by his agent, the amount is a debt owing by the owner to the Minister and may, without prejudice to paragraph (*h*) of this subsection, be recovered in a court of competent jurisdiction, at the suit of the Commissioner of Stamps.

(*c*) by striking out the words "this section" in subsection (*c*) thereof and inserting in lieu thereof the words "subsection (1) of this section or, as the case may be, of any condition imposed under subsection (1a) of this section".

(*d*) by inserting the following subsection therein after subsection (4) thereof—

(5) Where the holder of a valid and current permit issued under subsection (1a) of this section compiles returns of any sales of pigs, or carcasses of pigs, or both, he shall, instead of complying with the requirements of paragraph (*c*) of subsection (1) of this section, transmit to the purchaser by ordinary letter post within seven days of the sale, notification in writing of particulars of the sale and that as the holder of the permit he has included particulars of the sale in a return compiled pursuant to the permit.

6. (1) Subsection (1) of section 14 of the principal Act is amended by inserting therein before the passage "under section 13" thereof the words "or as the case may be by payment in respect of returns compiled and lodged".

(2) Subsection (2) of section 14 of the principal Act is amended—

- (a) by striking out the words “one pound or part of one pound” therein and inserting in lieu thereof the words “five pounds or part of five pounds”;
- (b) by striking out the words “one and a half pence” therein and inserting in lieu thereof the words “six pence”;
- (c) by striking out the words “three shillings and nine pence” therein and inserting in lieu thereof the words “three shillings and sixpence”.

Enactment of
principal Act,
s. 15a.

7. The following section is inserted in the principal Act after section 15 thereof:—

Inspection of
books, etc.

15a. (1) The Minister, or any person authorized in writing by the Minister, may at any time inspect and examine any books, accounts and statements and take any particulars or require any information which he considers necessary with a view to seeing whether the provisions of this Act as to the payment of swine stamp duty are being complied with.

(2) If any person prevents or obstructs the Minister or any person so authorized or refuses or fails to furnish any information so required he shall be liable to a penalty not exceeding fifty pounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 44 of 1962

An Act to amend the Vermin Act, 1931-1960.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Vermin Act Amendment Act, 1962". Short titles.

(2) The Vermin Act, 1931-1960, as amended by this Act, may be cited as the "Vermin Act, 1931-1962".

(3) The Vermin Act, 1931-1960, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 36 of the principal Act is repealed and the following section is enacted and substituted in lieu thereof:— Repeal of s. 36 of principal Act and re-enactment thereof with amendment—

36. (1) Nothing in this Part of this Act shall be construed as—

- (a) imposing on any person a duty to destroy vermin upon a dedicated travelling stock reserve or upon Crown lands used as a travelling stock road if such reserve or road is within the boundaries of, or adjoining, land of which he is the owner or occupier ; or

Restriction on duty to destroy vermin on travelling stock reserves and rabbits in cages.

- (b) conferring a power or imposing a duty on any person to destroy rabbits kept in any cage on any land by the owner or occupier thereof if the rabbits are kept in no more than one cage on that land; or
- (c) conferring a power or imposing a duty on any person to destroy rabbits kept by any person who has been granted permission by the Governor to keep rabbits where such rabbits are kept in accordance with such conditions as may be attached to the permission.

(2) In this section—

“cage” means cage, hutch or box, or other similar enclosure, which is completely rabbit-proof and does not exceed thirty-six square feet in floor area.

Enactment of
s. 110a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 110 thereof :—

Disposal by
board of
fences no
longer
necessary for
vermin control.

110a. (1) Where—

- (a) a board, by resolution, determines that any fence vested in the board and specified in the resolution is no longer necessary for the control of vermin; and
- (b) a copy of the resolution, certified by the chairman of the board to be a correct copy of the resolution, is sent to the Minister,

the Minister—

- (i) if he is satisfied that the fence is no longer necessary for the control of vermin—shall cause to be published in the *Government Gazette* a notice to that effect; or
- (ii) if he is satisfied that the fence is required for the control of vermin—shall notify the board in writing to that effect.

(2) Where, pursuant to subsection (1) of this section, a notice has been published in the *Government Gazette* to the effect that a fence is no longer necessary for the control of vermin, the board may, with the approval in writing of the Minister and if it so resolves, do all or any of the following :—

- (a) sell or dispose of the fence or any part thereof subject to such terms and conditions as the Minister may in writing specify;

(b) abandon the fence or any part thereof ;

(c) remove the fence or any part thereof and sell or dispose of the same or any materials pertaining thereto subject to such terms and conditions as the Minister may in writing specify.

(3) Where a landholder as defined in subsection (4) of section 56 of this Act becomes the owner of a fence or any part of a fence sold or disposed of pursuant to subsection (2) of this section, then, for the purposes of Part V of this Act, the fence or part shall be deemed to have been erected by the landholder and the landholder shall be deemed to be an occupier, within the meaning of that Part, of the land in relation to which he is the landholder ; but section 204 of this Act shall not apply with respect to any such fence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 45 of 1962

An Act to repeal the Aborigines Act, 1934-1939, and to promote the welfare and advancement of Aborigines and of persons of Aboriginal blood in South Australia and for other purposes.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.
Commence-
ment.

1. This Act may be cited as the "Aboriginal Affairs Act, 1962", and shall come into operation on a day to be fixed by proclamation.

Repeal.

2. The Aborigines Act, 1934, and the Aborigines Act Amendment Act, 1939, are repealed.

Interpretation.

Interpretation.

3. In this Act, unless inconsistent with the context or subject matter—

"Aboriginal institution" means any mission station, orphanage, school, home, reserve, or other institution for the benefit, care, or promotion of the welfare of the Aboriginal inhabitants of the State :

"board" means the Aboriginal Affairs Board :

"chairman" means the chairman of the board :

“department” means the Department of Aboriginal Affairs :

“Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“reserve” means a reserve for Aborigines declared under this Act :

“superintendent” means a superintendent appointed under this Act for a reserve.

4. (1) Every person who is of the full blood descended from the original inhabitants of Australia, other than a person whose name is removed from the Register of Aborigines in pursuance of section 17 of this Act, shall be deemed to be an Aboriginal within the meaning of this Act or any other Act.

Aboriginals and persons of Aboriginal blood.

(2) Every person who, being of less than full blood, is descended from the original inhabitants of Australia, and every person whose name is removed from the Register of Aborigines in pursuance of section 17 of this Act and his direct descendants, shall be deemed to be a person of Aboriginal blood within the meaning of this Act.

Aboriginal Affairs Board.

5. There is hereby constituted for the purposes of this Act, a board to be called the “Aboriginal Affairs Board”.

Constitution of board.

6. The board shall consist of—

Composition of board.

(a) a chairman appointed by the Governor ;

(b) six other members appointed by the Governor.

7. (1) The appointment of the chairman of the board shall be for five years ; he shall be eligible for reappointment from time to time.

Tenure of office.

(2) Three members of the board first appointed by the Governor pursuant to this Act shall, subject to this Act, hold office for two years.

(3) The other three members of the board first appointed by the Governor pursuant to this Act, and all other members of the board appointed by the Governor, except the chairman, shall, subject to this Act, hold office for four years.

(4) At the time of the first appointment of members of the board by the Governor, the Governor shall nominate which of the members first appointed by the Governor shall hold office for the term provided by subsection (2).

(5) Any member of the board (other than the chairman) may, at the expiration of his term of office, be reappointed for one further term of four years: Provided that a member (other than the chairman) who has held office for two consecutive terms shall not be eligible for appointment or re-appointment until the expiration of four years after ceasing to hold office for two consecutive terms.

(6) Whenever a vacancy occurs in the office of a member of the board, whether by expiration of the member's term of office or otherwise, the Governor shall appoint a person to fill the vacancy: Provided that the person appointed to fill the vacancy caused otherwise than by the expiration of the term of office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed, and that any retiring member whose term of office expires by effluxion of time shall hold office until his successor is appointed.

(7) The provisions of the Public Service Act, 1936-1960, shall not apply to any member of the board by virtue only of his appointment as a member.

Retirement of members.

8. In addition to the retirement of members of the board by the expiration of their terms of office, the seat of a member shall become vacant on—

- (a) his death, lunacy, or his being convicted of an indictable offence; or
- (b) his resignation by notice in writing posted or delivered to the Minister; or
- (c) his absence from three consecutive meetings of the board without the leave of the board.

Remuneration of board.

9. Each member of the board shall be paid, out of the funds of the board, such remuneration for his services and such travelling and other allowances, if any, as the Governor approves.

Validity of acts of board.

10. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member or that any member was disqualified or disentitled to act, be as valid as if the member had been duly appointed and was qualified, entitled to be, and to act, and had acted as, a member, and as if the board had been properly and fully constituted.

11. (1) At any meeting of the board, the chairman, if present, shall preside and, in the absence of the chairman, the members shall elect a member to preside at the meeting.

Meetings and
quorum.

(2) The person presiding at any meeting of the board shall have both a deliberative and a casting vote.

(3) Any four members of the board shall constitute a quorum of the board.

12. (1) The board shall, on or before the first day of October in every year, report to the Governor on the working of this Act during the preceding financial year and shall in any such report set out a summary of the receipts and expenditure during the said period and any other particulars which the board may from time to time consider fit to be included in the report.

Annual
reports.

(2) All such reports shall be laid before Parliament.

Administration.

13. The board shall be charged with the duty of advising the Minister on the operation of this Act and on measures for promoting the welfare of Aborigines and persons of Aboriginal blood.

Function of
board.

14. The Treasurer of the State may in every year place at the disposal of the Minister such sums as are provided by Parliament to be applied to the purposes of the Minister.

Funds to be
provided by
Parliament.

15. It shall be the duty of the Minister—

Duties of
Minister.

- (a) to apportion, distribute, and apply as seems most fit, the moneys at the disposal of the Minister ;
- (b) to manage and regulate the use of all reserves, but not so as to alienate any portion of such reserves from use by Aborigines or persons of Aboriginal blood ;
- (c) to exercise general supervision and care over all matters affecting the welfare of Aborigines and persons of Aboriginal blood ;
- (d) in his absolute discretion to distribute blankets, clothing, provisions and other relief or assistance to Aborigines and persons of Aboriginal blood ;
- (e) in his absolute discretion to provide, in cases of need, when possible, for the maintenance and education of the children of Aborigines and persons of Aboriginal blood ;
- (f) in his absolute discretion to apply part of the moneys at its disposal for the provision of housing and for

the purchase of stock and implements to be lent to Aborigines or persons of Aboriginal blood to whom land has been allotted under section 21, and to apply the same accordingly either without payment or on such terms as are approved by the Minister, and no person shall, except with the approval of the Minister, acquire any title to any goods or chattels so lent as aforesaid ;

- (g) to promote the social, economic and political development of Aborigines and persons of Aboriginal blood until their integration into the general community ;
- (h) to collect information concerning the regional distribution of Aborigines in South Australia and to promote research into the problems of Aborigines.

Department of
Aboriginal
Affairs.

16. (1) There shall be a department under the Minister to be called the Department of Aboriginal Affairs.

(2) The Governor may appoint a Director of Aboriginal Affairs who shall be the permanent head of the department and shall be responsible for the administration thereof.

(3) The Director of Aboriginal Affairs and other necessary officers for the purposes of this Act shall be appointed under and subject to the Public Service Act, 1936-1959.

(4) The Minister shall be a corporation sole under the name of "Minister of Aboriginal Affairs" and on the passing of this Act all property of the Aborigines Protection Board instituted under the Aborigines Act, 1934-1939, shall vest in the Minister.

(5) The Minister may, from time to time, delegate to the Director or any officer of the Department of Aboriginal Affairs such powers and functions as the Minister deems fit.

Register of Aborigines.

Register of
Aborigines.

17. (1) The board shall compile and maintain as accurately as possible, a Register of Aborigines. The omission of the name of any person from such Register shall not be deemed to be evidence that such person is not an Aboriginal within the meaning of this Act.

(2) The board shall keep the Register under review and shall from time to time remove therefrom the names of those persons who, in its opinion, are capable of accepting the full responsibilities of citizenship : Provided that the name of any person shall not be removed from the Register unless such person shall have been previously notified in writing given to him by an officer of the department of the intention of the board to remove his name.

(3) If on the application of any Aboriginal the board refuses to remove the name of such person from the Register, the applicant may appeal to a special magistrate who may make such order on the appeal as appears to him just. Every such appeal shall be made within the time and manner prescribed. The special magistrate may order the removal of the applicant's name from the Register and the board shall forthwith comply with any such order.

(4) The board shall maintain a list of the names of all persons whose names are removed from the Register in pursuance of this section.

Reserves and Institutions.

18. The Governor may by proclamation—

- (a) declare any Crown lands to be reserved for Aborigines ;
- (b) alter the boundaries of any reserve ;
- (c) with the consent of the owner declare any other lands to be a reserve for Aborigines.

Proclamation
of reserves.

19. The Governor may appoint a person to be the superintendent of a reserve.

← Case
D.A.A.
313/63
ML11080
see R.L.O.
Appointment
of superin-
tendents. J102
Bm

20. (1) In order to promote the welfare or to facilitate the training of Aborigines, the Minister, may refuse the entry of any Aboriginal or group of Aborigines into an institution.

Power to
remove
Aborigines to
reserves or
Aboriginal
institutions.

(2) If an Aboriginal or person of Aboriginal blood agrees to enter or remain within an institution with the approval of the Minister for the purposes of training, the Minister may declare him a trainee.

(3) An Aboriginal who enters an institution after a refusal of his entry by the Minister, and any trainee declared under subsection (2) of this section who refuses to remain within an institution until he completes his training to the satisfaction of the Minister, shall be guilty of an offence.

(4) No Aboriginal shall be kept within the boundaries of an Aboriginal institution or removed from any such institution without the consent of the governing body of the institution concerned.

21. The Minister may, on the recommendation of the board and the Surveyor-General, allot to any Aboriginal or person of Aboriginal blood, any Crown lands available for settlement, or may, on such recommendation as aforesaid, purchase land for occupation by Aborigines or persons of Aboriginal blood, and

Power of
Minister to
allot or
purchase land.

allot the same, and any such allotment shall be upon such terms and subject to such conditions as may be prescribed by regulation.

Power to provide such assistance.

22. The board may, subject to the approval of the Minister, provide special assistance, either financial or otherwise, on such terms as it thinks fit, to an Aboriginal or a person of Aboriginal blood, to assist him to establish himself in primary, mechanical or business pursuits.

Unlawfully entering reserve or institution.

23. (1) Any person who enters or remains or is within the boundaries of an Aboriginal institution, without the written permission of the board, unless he is—

- (a) an Aboriginal or the wife or child of an Aboriginal residing with him thereon ; or
- (b) the Minister ; or
- (c) a member of the board ; or
- (d) an officer of the department or the superintendent or a member of the police force ; or
- (e) a person authorized in writing in that behalf by the Minister or by the Director,

shall be guilty of an offence against this Act : Provided that the superintendent of such Aboriginal institution may—

- (a) admit other persons or groups of persons to a specified area of the institution during specified hours for the purposes of organized sport ;
- (b) grant permission in writing for other persons to enter such institution in the course of their regular visitations for specified purposes ;
- (c) grant permission for the entry of other persons for particular purposes, provided that any such persons shall immediately upon entry report to the superintendent or his deputy giving the reason for their entry and shall comply with any instructions then given by the said superintendent or his deputy as to their movements in or about the institution and the time of their departure therefrom. A person who fails or neglects so to report on entry, or to comply with any instructions given by the superintendent or his deputy as aforesaid, shall be guilty of an offence under this Act.

(2) In any proceedings for an offence under this section the onus of proving that the person charged was authorized to enter shall be upon such person.

24. (1) Notwithstanding the provisions of the Mining Act, 1930-1958, no holder of a miner's right shall be entitled to enter, or remain, or be, within the limits of any Aboriginal institution except with the written permit of the Minister.

Mining on
Aboriginal
institutions.

(2) Any such holder who, without such permit, the proof of which shall lie upon him, is found in any such institution shall be guilty of an offence against this Act.

Provisions for Treating Contagious or Infectious Diseases.

25. (1) The board may, by notice in writing, authorize any legally qualified medical practitioner therein named to medically examine any Aboriginal.

Medical
examination of
Aborigines.

(2) Such notice shall be sufficient authority to the practitioner to enter any premises where such Aboriginal is, or is suspected to be, and to medically examine such Aboriginal in such manner as the practitioner deems necessary.

(3) If the practitioner on such examination finds that the Aboriginal is suffering from a contagious or infectious disease he may order the Aboriginal to undergo such treatment in any hospital or otherwise as he may direct.

(4) Such order shall be sufficient authority for any officer of the department or any member of the police force to take such action as will enable a legally qualified medical practitioner to treat such Aboriginal until such practitioner shall discharge him.

(5) It shall be the duty of such practitioner, when in his opinion the Aboriginal is free from such contagious or infectious disease, to report the fact to the board.

(6) Any Aboriginal who refuses to be examined or to be treated after order made as aforesaid, or who attempts to avoid treatment as aforesaid, shall be guilty of an offence against this Act.

Employment of Aborigines.

26. Every person shall allow any member of the board, officer of the department, or member of the police force to have access to any Aboriginal employed by such person, and to enter any house, vessel, boat, or premises where such Aboriginal is or is employed, at all reasonable times, for the purposes of inspection and inquiry.

Access to
employed
Aborigines.

27. If an Aboriginal dies whilst in the service of any person, or while located within the boundaries of the property of any person, such person shall forthwith, after the death, advise the

Death in
employment.

nearest police officer and the board of the death verified by such person, and shall forward to the board any wages due to the deceased and any moneys in the possession of the deceased at the time of his death.

Blankets, etc., Supplied to Aborigines.

Property in
blankets, etc.,
issued to
Aborigines.

28. (1) All blankets, bedding, clothing, and other articles or property, issued by or under the direction of the Minister to any Aboriginal or Aborigine or person or persons of Aboriginal blood shall be and remain the property of the Minister.

(2) Any Aboriginal or person of Aboriginal blood receiving any such article or property who sells or otherwise disposes of the same without the sanction of the Minister, and any person who, without such sanction, takes, whether by purchase or otherwise, or is found in possession of, any such article or property, shall be guilty of an offence against this Act.

Curatorship of Aborigines' Estates.

Power of
Minister as
curator of
Aborigines,
estates.

29. (1) Subject to the consent of the Aboriginal or person of Aboriginal blood the Minister may undertake the general care, protection, and management of his property, and may—

- (a) take possession of, retain, sell, or dispose of any such property whether real or personal, and on any sale or disposition as aforesaid a valid title to the property shall pass ;
- (b) in his corporate name sue for, recover, or receive any money or other property due or belonging to or held in trust for the benefit of any Aboriginal, or person of Aboriginal blood, or damages for any conversion of or injury to any such property ;
- (c) exercise, in the name of any Aboriginal, or person of Aboriginal blood, any power which the Aboriginal or person of Aboriginal blood as the case may be might exercise for his own benefit ;
- (d) in the name and on behalf of an Aboriginal, or person of Aboriginal blood, appoint any person to act as attorney or agent for any purpose connected with his property.

(2) The Minister shall keep proper records and accounts of all moneys and other property, and the proceeds thereof, received or dealt with by him under the provisions of this section.

30. (1) Section 172 of the Licensing Act, 1932-1960, is amended by striking out the words "aboriginal native of Australia or half-caste of that race" therein and inserting in lieu thereof the words "Aboriginal or person of Aboriginal blood".

Amendment of ss. 172 and 173 and 179 of the Licensing Act.

(2) Section 173 of the Licensing Act, 1932-1960 is amended by striking out the words "aboriginal native of Australia or any half-caste of that race" therein and inserting in lieu thereof the words "Aboriginal or person of Aboriginal blood".

(3) The Governor may by proclamation declare that the provisions of sections 172 and 173 of the Licensing Act, 1932-1960 shall not apply in any area or place specified in such proclamation and may from time to time by further proclamation add to any area or place so specified.

(4) The provisions of sections 172 and 173 of the Licensing Act, 1932-1960 shall not apply within any area or place so specified in any such proclamation.

(5) Section 179 of the Licensing Act, 1932-1960 is amended as follows :—

(a) By inserting the following words after the word "family" in the fifth line of subsection (1) thereof—"or is a person who lives in primitive conditions and appears to require protection from the consumption of alcohol."

(b) By adding the following words at the end of subsection (2) (c) thereof—"or until further order."

(6) Any person who has prior to the passing of this Act obtained exemption from the provisions of the Aborigines Act, 1934-1939, shall not be deemed to be an Aboriginal or person of Aboriginal blood for the purposes of the Licensing Act, 1932-1960.

Obstructing Officers.

31. Any person who obstructs or hinders any member of the board, the director, officer of the department, superintendent, member of the police force, medical practitioner, or other person in the exercise or execution of any power or duty under this Act, or in carrying out any provisions of this Act, shall be guilty of an offence against this Act.

Obstructing officers.

Legal Proceedings and Penalties.

32. Any member of the police force may arrest without warrant any person whom he has just cause to suspect of having committed or being about to commit any offence against this Act.

Arrest.

Service of
summons.

33. It shall not be obligatory upon any member of the police force to serve any summons, or to execute any warrant of arrest, against an Aboriginal in respect of any offence against this Act beyond a distance of fifty miles from the place where such summons or warrant was issued, except when specially so directed by a special magistrate.

Director or
officer
appearing in
the interest of
Aborigines.

34. At the hearing of any proceedings in respect of an offence against this Act the court shall permit the Director or any officer of the department to address the court and examine and cross-examine witnesses in the interests of any Aboriginal.

Evidence.

35. (1) In any legal proceedings or inquiry, whether under this Act or otherwise—

(a) a certificate under the hand of the Director of Aboriginal Affairs that the name of a person is included in the Register of Aborigines maintained under section 17 of this Act shall be *prima facie* evidence that that person is an Aboriginal ;

(b) a certificate under the hand of the Director of Aboriginal Affairs that the name of a person has been removed from the Register of Aborigines shall be conclusive evidence of such removal.

(2) In any such legal proceedings or inquiry the court, judge, coroner, special magistrate, justice or justices shall not determine that a person concerned in or in any way connected with the proceedings or inquiry is an Aboriginal in the absence of sufficient evidence given by at least two officers of the department. Subject to the provisions of subsection (1) of this section, the opinion of two such officers given on oath that a person is or is not an Aboriginal shall be *prima facie* evidence that such person is or (as the case may be) is not an Aboriginal.

General
penalty for
offences.

36. Any person who in any way contravenes any provision of this Act, whether by act or omission, shall be guilty of an offence against this Act, and any person convicted of an offence against this Act shall, except in cases where a different penalty is specially provided, be liable to a penalty not exceeding one hundred pounds or to imprisonment for any period not exceeding six months.

Summary
procedure.

37. All proceedings for offences against this Act shall be disposed of summarily.

38. The moneys required for any purpose of this Act shall be paid out of moneys provided by Parliament for the purposes of this Act.

Moneys to be provided by Parliament.

Regulations.

39. The regulations made under the Aborigines Act, 1934-1939 and in force at the commencement of this Act are repealed.

Repeal.

40. (1) The Governor may, on the recommendation of the board, make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for the effectual carrying out of this Act, including regulations for the following, amongst other purposes :—

Power to make regulations.

- I. Prescribing the duties of superintendents, and any other persons appointed or employed under this Act :
- II. Regulating the meetings and proceedings of the board :
- III. Prescribing the time and manner of making appeals under section 17, and any other matter relating to such appeals :
- IV. Providing for the care, maintenance and education of the children of Aborigines and persons of Aboriginal blood :
- V. For the care, and education of Aborigines in Aboriginal institutions and for the supervision of such institutions :
- VI. Prescribing the conditions on which Aboriginal children may be apprenticed to or placed in service with suitable people :
- VII. For the maintenance of discipline and good order in Aboriginal institutions :
- VIII. Authorizing entry to an Aboriginal institution by specified persons or classes of persons for specified objects, and the conditions under which such persons may enter or remain in or upon an Aboriginal institution and providing for the revocation of such authority in any cases :

s. 40. **BRAY V. MILERA** (1935) S.A.S.R. 210. Regulations under the Aborigines Act, 1934, empowering the Chief Protector of Aborigines, in certain cases, to prohibit an Aborigine from being within an institution held to be valid.

ix. For the control of the receipt and payment of money, the keeping of accounts and records, expenditure of money, and all matters pertaining to the accounts and records of the board :

x. Regulating the exercise and discharge of all or any of the powers, duties and functions of the board.

(2) Regulations so made may impose penalties for the breach of the same or other regulations not exceeding for any one offence the sum of one hundred pounds, or imprisonment for any term not exceeding six months.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 46 of 1962

An Act to amend the Barley Marketing Act, 1947-1956.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Barley Marketing Act Amendment Act, 1962". Short titles.

(2) The Barley Marketing Act, 1947-1956, as amended by this Act may be cited as the "Barley Marketing Act, 1947-1962".

(3) The Barley Marketing Act, 1947-1956, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. (1) Section 4 of the principal Act is amended—

Amendment of
principal Act,
s. 4.

(a) by inserting after the word "chairman" in paragraph (a) of subsection (2) thereof the words "to be nominated by the Governor";

(b) by striking out the word "two" in paragraph (b) of subsection (2) thereof and inserting in lieu thereof the word "three";

(c) by inserting in subsection (2) thereof after paragraph (d) the following paragraph :—

(e) one person to be appointed by the Governor of Victoria.

(d) by striking out subsection (12) thereof.

(2) The amendments effected by paragraphs (c) and (d) of subsection (1) of this section shall take effect on the first day of September, 1963.

Amendment of
principal Act,
s. 18.

4. Subsection (2) of section 18 of the principal Act is amended by striking out the word "Australia" at the end thereof and inserting in lieu thereof the words "South Australia and Victoria".

Amendment of
principal Act,
s. 19.

5. (1) Paragraph (a) of subsection (2) of section 19 of the principal Act is amended by striking out the word "botanical" therein.

(2) The following subsection is inserted in the said section 19 of the principal Act after subsection (4) thereof:

(5) The board may deduct from any money payable to a person in South Australia under this section any amount specified in a written request made to the board by any such person and may apply any amount so deducted towards the provision of bulk storage facilities for barley.

Amendment of
principal Act,
s. 22.

6. Section 22 of the principal Act is amended by striking out the figures "1962-1963" at the end thereof and inserting in lieu thereof the figures "1967-1968".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 47 of 1962

An Act to amend the Births and Deaths Registration Act, 1936-1960.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Births and Deaths Registration Act Amendment Act, 1962". Short titles.

(2) The Births and Deaths Registration Act, 1936-1960, as amended by this Act, may be cited as the "Births and Deaths Registration Act, 1936-1962".

(3) The Births and Deaths Registration Act, 1936-1960, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

4. Section 37 of the principal Act is amended by inserting after the words "repealed Act" at the end of the definition of "legitimated person" therein the words "or by under or in pursuance of the Commonwealth Marriage Act, 1961, or any amendment thereof". Amendment of principal Act, s. 37.

Amendment of
principal Act,
s. 39.

5. Section 39 of the principal Act is amended—

- (a) by inserting after the word “Act” at the end of paragraph (a) of subsection (1) thereof the words “or of the Commonwealth Marriage Act, 1961, or any amendment thereof”;
- (b) by inserting after the word “Act” (second occurring) in subsection (3) thereof the words “or of the Commonwealth Marriage Act, 1961, or any amendment thereof”.

Amendment of
principal Act,
s. 45.

6. Section 45 of the principal Act is amended—

- (a) by inserting after the word “legitimation” (first occurring) in subsection (1) thereof the words “under the provisions of this Act and before the commencement of the Commonwealth Marriage Act, 1961” ;
- (b) by inserting therein after subsection (1) thereof the following subsection :—
 - (1b) The Principal Registrar may, on the receipt by him pursuant to the provisions of regulations made under the Commonwealth Marriage Act, 1961, or any amendment thereof, of information with respect to the legitimation under the provisions of that Act of a person whose birth is already registered under this Act or any repealed Act indorse or cause to be indorsed on the register a note of the fact of legitimation and shall re-register or cause to be re-registered the birth according to the form in the second schedule with such modifications as the principal registrar thinks necessary ;
- (c) by striking out the words “the mother” in paragraph (b) of subsection (2) thereof and inserting in lieu thereof the words “one of the said parents” ;
- (d) by striking out the words “the mother” in paragraph (c) of the said subsection (2) thereof and inserting in lieu thereof the words “one of the said parents” ;
- (e) by striking out the words “the application for indorsement and re-registration as aforesaid is made pursuant to subsection (2), but” and the words “where the application for indorsement and re-registration as aforesaid is made after three months after the date of the marriage, or in any case” in subsection (3) thereof ;

(f) by striking out the words “in the form in the thirteenth schedule” at the end of subsection (4) thereof and inserting in lieu thereof the words “in the form 2 of the thirteenth schedule with respect to a person legitimated under the provisions of this Act or any repealed Act and in form 3 of the thirteenth schedule with respect to a person legitimated under the provisions of the Commonwealth Marriage Act, 1961, or any amendment thereof”.

7. The following form is inserted at the end of the Thirteenth Schedule to the principal Act—

Amendment of
principal Act,
Thirteenth
Schedule.

FORM No. 3.

BIRTHS AND DEATHS REGISTRATION ACT, 1936-1961.

LEGITIMATION UNDER THE PROVISIONS OF THE
COMMONWEALTH MARRIAGE ACT, 1961.

Application of _____ and _____ for an
order for the indorsement of the legitimation of
I, _____ Esquire, Special Magistrate, being
satisfied on proof—

(a) that _____ of _____
and _____ of _____
are the parents of a child _____ who
was born on the _____ day of _____ 19____
at _____

(b) that the said _____ and the said _____
were married on the _____ day of _____
at _____

(c) that at the date of the said marriage the said _____
was domiciled in Australia.

(d) that the person referred to in the certificate of
birth produced to me is the said _____
and that the persons referred to in the said
certificate of marriage are the said _____
and the said _____

I therefore order that there be indorsed on the registration
of the birth of the said _____
a note of the fact of the legitimation of the
said _____ and that the birth of the
said _____ be re-registered in manner
provided by Part VI of the Births and Deaths Registration
Act, 1936-1962.

Dated this day of 19 .

.....
Special Magistrate.

Amendment of
principal Act,
Fourteenth
Schedule.

8. The last line of the fourteenth schedule of the principal Act is amended—

- (a) by inserting after the words "three months" therein the words "from marriage";
- (b) by striking out the figure "5" therein and inserting in lieu thereof the figure "10".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 48 of 1962

An Act to amend the Dog Fence Act, 1946-1961.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Dog Fence Act Amend- Short titles.
ment Act, 1962".

(2) The Dog Fence Act, 1946-1961, as amended by this Act, may be cited as the "Dog Fence Act, 1946-1962".

(3) The Dog Fence Act, 1946-1961, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Incorporation.
Act and this Act shall be read as one Act.

3. Subsection (1) of section 22 of the principal Act is struck Amendment of
principal Act
s. 22 (1).
out and the following subsection inserted in lieu thereof :—

(1) The owner of any part of the dog fence—

- (a) shall at all times keep it in a dog-proof condition and properly maintained as a dog-proof fence ;
- (b) shall, for the purpose of keeping it in such condition and so maintained, cause it to be inspected at proper intervals ; and
- (c) shall take all reasonable steps to destroy all wild dogs in the vicinity of the dog fence

Enactment of
s. 24a of
principal Act—

4. The following section is enacted and inserted in the principal Act after section 24 thereof :—

When Crown
lessee deemed
owner of dog
fence.

24a. Where any part of the dog fence stands or is erected or constructed on land comprised in a Crown lease as defined in section 147 of the Crown Lands Act, 1929-1960, the lessee of the land under the lease shall, for the purposes of this Part, be deemed to be the owner of such part of the fence on that land as is not vested in a vermin board pursuant to the Vermin Act, 1931-1960.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 49 of 1962

**An Act to amend the Motor Vehicles Act,
1959-1961.**

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the “Motor Vehicles Act Amendment Act (No. 2), 1962”. Short titles.

(2) The Motor Vehicles Act, 1959-1961, as amended by this Act, may be cited as the “Motor Vehicles Act, 1959-1962”.

(3) The Motor Vehicles Act, 1959-1961, is hereinafter referred to as “the principal Act”.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsection (5) of section 12 of the principal Act is amended by striking out the word “subsection” in the first line thereof and inserting in lieu thereof the word “section”. Amendment of principal Act, s. 12 (5).

4. The following section is enacted and inserted in the principal Act after section 118 thereof :— Enactment of s. 118a of principal Act—

118a. (1) Where the Treasurer is satisfied that an approved insurer, being a corporation which is incorporated in the State or elsewhere, has insufficient assets to meet all its liabilities and— Appointment of nominal defendant when approved insurer is in liquidation or enters into compromise with creditors.

(a) is being wound up ; or

(b) has entered into a compromise or arrangement with its creditors,

the Governor may, on the recommendation of the Treasurer, by proclamation declare that this section shall apply to that insurer and thereupon the Treasurer shall, by notice published in the *Government Gazette*, appoint a person to be the nominal defendant in relation to that insurer for the purposes of this section.

(2) Subsection (1) of this section shall not apply where—

(a) the insurer is being wound up pursuant to an order of a court made, or a resolution for its winding up passed, before the commencement of the Motor Vehicles Act Amendment Act (No. 2), 1962; or

(b) the compromise or arrangement was entered into before the commencement of that Act.

(3) Where a nominal defendant has been appointed under this section in relation to an insurer, any person having any claim or entitled to bring any action or enforce any judgment against that insurer—

(a) under the terms and conditions of a policy of insurance issued by the insurer under this Part; or

(b) pursuant to any provision of this Part,

may make or bring that claim or action or enforce that judgment against the nominal defendant.

(4) Where a nominal defendant has been appointed under this section in relation to an insurer—

(a) the nominal defendant shall have the same duties and liabilities and shall have and may exercise the same powers and rights in or in relation to any such claim, action or judgment as the insurer would have if it were not being wound up or had not entered into a compromise or arrangement with its creditors; and

(b) any reference applicable to the insurer in subsections (2) and (3) of section 114, section 123, subsection (4) of section 124 and section 126, shall be read as including a reference also to the nominal defendant.

(5) Notwithstanding any other Act, where the nominal defendant appointed in relation to an insurer pays or is liable to pay any sum pursuant to subsection (3) of this section and the amount so paid or liable to be paid or any

part thereof would, if paid by the insurer, have been recoverable by the insurer from another person under a contract or arrangement for re-insurance, the nominal defendant shall have and may exercise the rights and powers of the insurer under that contract or arrangement so as to enable the nominal defendant to recover that amount from that other person.

(6) The insurer or any officer or agent of the insurer or, where the insurer is being wound up, the liquidator of the insurer shall, upon the request of the nominal defendant, forthwith—

- (a) furnish the nominal defendant with such particulars as he requires relating to claims, actions and judgments referred to in subsection (3) of this section of which the insurer or liquidator has received notice ;
- (b) make available to the nominal defendant all books and papers of the insurer relating to such claims, actions and judgments ; and
- (c) give the nominal defendant such assistance as he reasonably requires in relation to any such claim, action or judgment.

(7) All moneys paid out or incurred by the nominal defendant under this section in respect of any claim, action or judgment shall be paid—

- (a) out of moneys contributed by approved insurers pursuant to a scheme under section 119 of this Act ; or
- (b) if no such scheme is in operation, by the Treasurer and approved insurers in accordance with section 120 of this Act.

(8) The amount of all moneys paid out or incurred by the nominal defendant under this section may, in the winding up of the insurer or in any compromise or arrangement between the insurer and any of its creditors, be proved as a debt due to the nominal defendant by the insurer, and the nominal defendant shall pay any amounts received by him as dividends out of the assets of the insurer and any amounts recoverable by the insurer under this Part which have been recovered by the nominal defendant to such approved insurers in such amounts or proportions as the Treasurer directs.

Amendment of
principal Act,
s. 119 (1)

5. Subsection (1) of section 119 of the principal Act is amended by inserting after paragraph (b) thereof the following paragraph :—

(b1) making other payments which nominal defendants are liable to make under this Part ; and

Amendment of
principal Act,
s. 120 (1)

6. Subsection (1) of section 120 of the principal Act is amended by inserting after the word “costs” in the third line thereof the words “and any other moneys which a nominal defendant is liable to pay under this Part”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 50 of 1962

An Act to amend the Poppy Day Trust Deed of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated.

[Assented to 15th November, 1962.]

WHEREAS by a Deed (hereinafter called "the Poppy Day Trust Deed") made on the Fifth day of May, one thousand nine hundred and forty-eight between Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated of the one part and Arthur Seaforth Blackburn, Eric William John Millhouse, Samuel Richard Symonds and Ina Jane Davies respectively therein described of the other part after reciting (*inter alia*) that certain moneys had been raised by public subscription and otherwise with the object of establishing a fund to be known as "The Poppy Day Trust Fund" for relieving in necessitous cases the persons therein more particularly referred to and that the parties thereto of the second part had consented to act as Trustees for the purposes of the Poppy Day Trust Deed and that the parties to the said Deed were desirous of providing for the application of the said Fund and all additions which might thereafter be made thereto and that the League had paid the sum of one thousand two hundred and twenty-six pounds twelve shillings and eightpence to the parties thereto of the second part and intended to pay to them from time to time or to other Trustees for the time being of the said Deed the net amount of all future moneys received by the League for the said Fund : AND by clause 1 of the said Deed it was declared that the parties thereto of the second part so long as they should respectively remain Trustees of the said Deed and all persons thereafter becoming Trustees in succession to them should hold the said sum so paid to them as aforesaid

Preamble.

and all other moneys at any time thereafter paid, given or bequeathed to them for the purposes of the Deed upon the trusts thereafter contained: AND by clause 2 of the said Deed it was declared that the Trustees should stand possessed of the Fund upon trust to invest the same and all or part of any income produced by any investments at any time forming part of the Fund as the Trustees should from time to time deem fit in any investments authorized by law for the investment of trust funds as the Trustees should think fit and from time to time to vary such investments for others of a like nature and to sell, alter or vary any such investments and to permit the proceeds of every such sale and any moneys whether income or capital forming part of the Fund to be applied in relieving necessitous cases of distress amongst all persons more particularly described in the said clause 2: AND by clause 3 thereof it was declared that such assistance should be either by way of loan or by way of a free gift to be decided in the manner thereafter provided: AND WHEREAS the present Trustees under the said Deed are Thomas Charles Eastick, Arthur James Lee, Robert Richard Wilson and Jean Cooper: AND WHEREAS the Trust Fund now amounts to approximately sixty-three thousand pounds: AND WHEREAS one of the primary objects of the League has been and is the relief of distress and provision of comfort to veterans and their dependants and the League is desirous of providing out of the Fund homes for aged ex-servicemen and their wives: AND WHEREAS there being no power in the Trustees to invest any part of the Fund in the purchase of land or the erection of houses thereon or the letting of the same and it is desirable to authorize such alterations to the Deed as are hereinafter set out:

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as "The Poppy Day Trust Deed Act, 1962".

Interpretation.

2. In this Act—

"Trust Deed" means the Deed described in the preamble to this Act:

"the League" means Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated:

"the Trustees" means the Trustees for the time being under the Trust Deed.

3. Clause 2 of the Trust Deed is amended by deleting all the words therein from the beginning thereof to the words "and who" immediately before paragraph (a) thereof and inserting in lieu thereof the following :—

Amendment of
clause 2 of
Trust Deed.

The Trustees shall stand possessed of the general fund and all or such part (if any) of any income produced by any investment at any time forming part of the general fund as the Trustees shall from time to time deem fit in the names of the Trustees upon and subject to the following trusts :—

(i) To invest all or such part (if any) of the general fund and all or such part (if any) of any income produced by any investments as the Trustees shall from time to time deem fit at any time forming part of the general fund in—

(1) any investments authorized by law for the investment of trust funds ; or

(2) the purchase of real estate in the State of South Australia and any improvements thereon.

(ii) To sell alter or vary all or any of the investments at any time representing the general fund and to permit the proceeds of any such sale and any moneys whether income or capital then forming part of the general fund to be applied in—

(1) the erection decoration furnishing and fitting of cottages houses or flats (hereinafter called the ex-servicemen's homes) or in altering improving or enlarging the same or any of them or in effecting structural repairs to the same or any of them and in laying out or at any time altering the arrangement or laying out of yards grounds and gardens or any of them and in defraying the cost of all ordinary repairs required for the purpose of maintaining the ex-servicemen's homes and the yards grounds and gardens thereof or any of them in good and habitable condition and of insuring the same against fire and all other charges and outgoings which may become payable in respect thereof and all costs charges and expenses of and incidental to the maintenance and management of the ex-servicemen's homes and the yards, grounds and gardens thereof or any of them and in paying salaries and wages of all caretakers and other officials and servants who shall be employed in or about the ex-servicemen's homes and in doing all such works

4. Clause 3 of the Trust Deed is amended by striking out the words "such assistance as aforesaid" at the beginning thereof and inserting in lieu thereof "the relief of necessitous cases of distress among all persons who are eligible for assistance in accordance with paragraph (vii) of clause 2 of this Deed".

Amendment of
clause 3 of
Trust Deed.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 51 of 1962

An Act to amend the Sewerage Act, 1929-1960.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Sewerage Act Amendment Act, 1962".

(2) The Sewerage Act, 1929-1960, as amended by this Act, may be cited as the "Sewerage Act, 1929-1962".

(3) The Sewerage Act, 1929-1960, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendments of principal Act, s. 5.

3. (1) Section 5 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :—

(4) The Minister may take and acquire either compulsorily or by agreement any land for the purposes of this Act and the undertaking.

(2) The amendment effected by subsection (1) of this section shall be deemed to have come into operation at the time of the passing of the Sewerage Act Amendment Act, 1946, and any notice to treat given, or purporting to have been given, under the principal Act, since the time of the said passing shall be deemed to be and to have been valid and effectual for all purposes whatsoever as if subsection (4) of section 5 of the principal Act as enacted by subsection (1) of this section had been in force when any such notice to treat was given : Provided

that nothing in this subsection contained shall validate or make effectual the notice to treat which was the subject of proceedings in the Supreme Court No. 1464 of 1960.

4. Subsection (1) of section 13 of the principal Act is amended by inserting therein the following paragraph after paragraph VII thereof—

Amendment of principal Act, s. 13.

VIII. For fixing scales of costs and charges for the alteration of levels of topstones and castings of lampholes, inspection openings, air-shafts and manholes, or other similar work, to conform to the surface levels of the roadworks.

5. Section 53 of the principal Act is repealed and the following section is inserted in the principal Act in lieu thereof:—

Amendment of principal Act, s. 53.

53. (1) Before beginning—

Duty to give notice before paving street, etc.

- (a) to first lay the pavement or hard surface in any street ; or
- (b) to relay the pavement or hard surface in any street ; or
- (c) to widen or extend the pavement or hard surface in any street ; or
- (d) to alter the level of any street ; or
- (e) to construct or alter any footpaths, gutters, kerbing or water tables in any street ; or
- (f) to construct or alter any drainage work in any street,

in which there is a sewer or sewerage work which is the property of the Minister, the person authorized or intending so to do shall give to the Minister fourteen days' notice thereof in writing giving details of the work to be carried out, including the nature and thickness of the pavement or hard surface proposed to be made or laid thereon, or of the other work proposed to be done as the case may be.

(2) The Minister shall within fourteen days after receiving such notice advise the person who gave the same of any extension to the undertaking proposed in the said street or of any resultant interference with the undertaking.

(3) Should any work referred to in subsection (1) of this section involve any alteration to the undertaking the person doing such work shall, subject to the provisions of subsection (6) of this section, pay to the Minister one half the actual cost of such alteration and of any damage

resultant upon such work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(4) If information in accordance with the requirements of subsection (1) of this section has not been supplied the person carrying out the work shall pay the actual cost of the alterations to the undertaking, and of all damage resultant upon the work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(5) Should the alterations to the undertaking be of such a nature as to involve expense which in the opinion of the Minister will be excessive, then the Minister may confer with the person authorized to do such work to determine whether any variations to the work proposed under subsection (1) of this section would be advantageous to the parties.

(6) Should any work referred to in subsection (1) involve any alteration to the undertaking and the Minister is of the opinion that any part of the undertaking involved in or affected by such alteration should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Minister, but all other costs and charges shall be payable in accordance with this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 52 of 1962

An Act to amend the Supreme Court Act, 1935-1960.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act, 1962". Short titles.

(2) The Supreme Court Act, 1935-1960, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1962".

(3) The Supreme Court Act, 1935-1960, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsection (1) of section 82 of the principal Act is amended by substituting for the words "a deputy master" at the end of that subsection the words "not more than two deputy masters". Amendment of principal Act, s. 82 (1).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 53 of 1962

An Act to amend the Waterworks Act, 1932-1956.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Waterworks Act Amendment Act, 1962".

(2) The Waterworks Act, 1932-1956, as amended by this Act, may be cited as the "Waterworks Act, 1932-1962".

(3) The Waterworks Act, 1932-1956, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of principal Act, s. 10.

3. Subsection (1) of section 10 of the principal Act is amended by inserting therein the following paragraph after paragraph xviii thereof :—

xix. For fixing scales of costs and charges for the alteration of water services, levels of topstones, valve and fire plug chambers and cast iron meter boxes and the position of pillar hydrants and indicator posts, or other similar work, to conform to the surface levels of the roadworks.

4. Section 51 of the principal Act is repealed and the following section is inserted in the principal Act in lieu thereof :—

Amendment of
principal Act,
s. 51.

51. (1) Before beginning—

Duty to give
notice before
paving street,
etc.

- (a) to first lay the pavement or hard surface in any street ; or
- (b) to relay the pavement or hard surface in any street ; or
- (c) to widen or extend the pavement or hard surface in any street ; or
- (d) to alter the level of any street ; or
- (e) to construct or alter any footpaths, gutters, kerbing or water tables in any street ; or
- (f) to construct or alter any drainage work in any street,

in which there is a water main, water service or waterwork which is the property of the Minister, the person authorized or intending so to do shall give to the Minister fourteen days' notice thereof in writing giving details of the work to be carried out, including the nature and thickness of the pavement or hard surface proposed to be made or laid thereon, or of the other work proposed to be done as the case may be.

(2) The Minister shall within fourteen days after receiving such notice advise the person who gave the same of any new water main, water service or waterworks proposed in the said street or of any resultant interference with existing water mains, water services or waterworks.

(3) Should any work referred to in subsection (1) of this section involve any alteration to any water main, water service or waterworks being the property of the Minister the person doing such work shall, subject to the provisions of subsection (6) of this section, pay to the Minister one half the actual cost of such alteration and of any damage resultant upon such work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(4) If information in accordance with subsection (1) of this section has not been supplied the person carrying out the work shall pay the actual cost of the alterations to the water main, water service or waterworks the property of the Minister, and of all damage resultant upon the work : Provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

(5) Should the alterations to the water main, water service or waterworks the property of the Minister be of such a nature as to involve expense which in the opinion of the Minister will be excessive, then the Minister may confer with the person authorized to do such work to determine whether any variations to the work proposed under subsection (1) of this section would be advantageous to the parties.

(6) Should any work referred to in subsection (1) of this section involve any alteration to any water main, water service or waterworks being the property of the Minister and the Minister is of the opinion that any water main, water service or waterworks involved in or affected by such alteration should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Minister, but all other costs and charges shall be payable in accordance with this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 54 of 1962

An Act to amend the Weights and Measures Act,
1934-1958.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Weights and Measures Act Amendment Act, 1962". Short titles.

(2) The Weights and Measures Act, 1934-1958, as amended by this Act, may be cited as the "Weights and Measures Act, 1934-1962".

(3) The Weights and Measures Act, 1934-1958, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

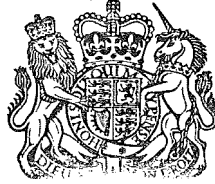
3. The following section is inserted in the principal Act after section 6 thereof— Enactment of principal Act, s. 6a.

6a. Notwithstanding anything in this Act contained, for the purposes of this Act standards of measurement verified and certified pursuant to the provisions of the Commonwealth Weights and Measures (National Standards) Act, 1960, and of any regulations made thereunder or any amendments of the same respectively may, subject to such Use of Commonwealth Standards.

conditions, limitations and restrictions as may be prescribed, be used in the State for verifying weights and measures pursuant to the provisions of this Act or for any other purpose connected with the administration of this Act as if such standards of measurement were standards prescribed by or under this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 55 of 1962

An Act to provide for relief to tenants from excessive rents and for other purposes.

[Assented to 22nd November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Excessive Rents Act, 1962". Short title.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and sixty-three. Commencement.

3. (1) In this Act unless the context otherwise requires— Interpretation.

"dwellinghouse" means any premises the whole or a substantial part of which is let for the purpose of residence, and includes—

 - (a) any part of any premises let separately for the purposes of residence ;
 - (b) any part of any premises let separately for the purposes of residence the letting of which includes or provides for the use by the tenant of any other part of the premises or any fittings therein ;
 - (c) the premises of any lodging house ;

but does not include any premises any part of which is let for the purpose of being used as a shop, storeroom, workshop, stable, or any similar purpose :

“landlord” and “tenant” mean the parties to a letting agreement and respectively include—

- (a) a mesne landlord and mesne tenant ; and
- (b) a sub-landlord and a sub-tenant ;

“letting agreement” means every agreement for the letting or subletting of any premises for any period whether the agreement is made orally, in writing, or by deed, and includes an agreement for the letting or subletting of any premises together with the use of furniture or other goods and also includes an agreement for the letting or subletting of any premises together with the supply or provision of any domestic service but does not include any agreement in writing and signed by the parties for the letting or subletting for a period of one year or more of any premises whether with or without the use of furniture goods or services (not being any such agreement made at any time after the commencement of this Act after the giving to the tenant of a notice to terminate an existing tenancy or in consequence of a threat by the landlord to give a notice to terminate an existing tenancy) :

“local court” means the local court of full jurisdiction nearest to the premises in respect of which an application is made under the provisions of this Act :

“premises to which this Act applies” means any premises being a dwellinghouse the subject of a letting agreement :

“rates” means any charges levied by the Minister of Works or by any municipal council or district council :

“rent” means the actual rent payable under a letting agreement and includes—

- (a) the value to the landlord of any covenants, conditions or other provisions of, or relating to, the letting agreement to be performed by the tenant other than covenants, conditions and provisions usually entered into by a tenant ;
- (b) any rates or taxes (other than excess water rates) payable by the tenant in respect of the premises to which the letting agreement relates ;
- (c) any amount payable by the tenant to the landlord for the use of any furniture or other goods or the supply or provision of any domestic

service in connection with the letting of the premises to which the letting agreement relates ;

- (d) any amount payable by the tenant to the landlord in respect of the supply of any electricity, gas, water, fuel, or other domestic commodity in connection with the letting of the premises to which the letting agreement relates or in respect of any sanitary service for such premises ;
- (e) any amount payable by the tenant to the landlord for the use of any fittings in the premises to which the letting agreement relates or, if the letting agreement relates to a part of any premises, any amount payable by the tenant to the landlord for the use of any fittings in any other part of the premises ; and
- (f) if the letting agreement relates to a part of any premises, any amount payable by the tenant to the landlord for the use of any other part of the premises :

“tax” includes any tax, whether on land or income derived from land, which is imposed by any Act of the State or the Commonwealth.

(2) For the purpose of this Act “tenant” includes a person who remains in possession of premises after the termination of the letting agreement in respect of the premises, and “landlord” has a corresponding meaning.

4. This Act shall bind the Crown.

Act to bind
Crown.

5. This Act shall not apply to any premises during the time any notice fixing the maximum rental thereof is in force under Part VII of the Housing Improvement Act, 1940-1961.

Act not to
apply to
certain
premises.

6. The tenant of any premises to which this Act applies may from time to time apply to the local court to determine whether the rent of the premises is excessive.

Application to
determine
whether rent
excessive.

7. (1) The local court shall hear and inquire into the application and shall either dismiss the application or, if it is of the opinion that the rent is excessive, make an order fixing the rent of the premises from a date not being a date prior to

Powers of
Local Court.

the date of the application : Provided that the local court may, notwithstanding that it is not of the opinion that the rent is excessive, make an order that the landlord shall not, during such period not exceeding one year as is specified in the order, without the leave of the local court, give any notice to terminate the tenancy.

(2) On any such application the local court may do all such acts, matters and things relating thereto and in the same manner and to the same extent that it is empowered to do in the exercise of its ordinary jurisdiction.

(3) The decision of the local court shall be final and conclusive.

(4) Any order of a local court fixing a rent under this Act shall remain in force for a period of one year from the date specified in the order.

Criteria to be considered.

8. In the exercise of its powers under this Act in respect of any premises to which this Act applies the local court shall have regard to—

- (a) the capital value of the premises used as a dwelling-house at the date of the application ;
- (b) the annual rates, taxes and insurance premiums ;
- (c) the estimated annual cost of reasonable repairs, maintenance and renewals of the premises and fixtures thereon and the services provided by the landlord or tenant in connection with the letting agreement ;
- (d) any obligation on the part of the tenant to effect any improvements, alterations, repairs or renovations of the premises at his own expense ;
- (e) the estimated amount of annual depreciation in the value of the premises ;
- (f) the rate of interest charged upon overdrafts by the Commonwealth Trading Bank of Australia ;
- (g) if the letting agreement provides for the use of furniture or other goods in connection with the letting of the premises, the nature and value of such furniture or other goods ;
- (h) the accommodation and amenities provided in the premises and the state of repair and the general condition thereof ;
- (i) the use to which the premises are put by the tenant ;

(j) the justice and merits of the case and the circumstances and conduct of the parties.

9. (1) While an order fixing the rent of any premises under this Act is in force then and notwithstanding any alterations, additions, repairs or renovations to the premises whether structural or otherwise or any change of ownership or tenancy of the premises or in the nature or value of the services supplied by the landlord or in any furniture or goods let with the premises the rent fixed by such order shall be the rent payable in respect of the premises unless the landlord agrees to the payment of any lesser rent. Duration of order.

(2) Any amount by which the rent charged in respect of the premises is in excess of the rent as fixed as aforesaid shall, notwithstanding any agreement to the contrary, be irrecoverable.

(3) Where any sum has been paid on account of any rent being a sum which under this Act would have been irrecoverable by the landlord the sum so paid shall be recoverable as a debt in any court of competent jurisdiction from the landlord who received the payment by the tenant by whom it was paid and may without prejudice to any other method of recovery be deducted by that tenant from any rent payable by him to such landlord.

10. Any person who, whether as principal or agent or in any other capacity— Demand of irrecoverable rent.

(a) in any rent book or similar document, without reasonable excuse, makes any entry showing or purporting to show any tenant as being in arrear in respect of any sum which by virtue of this Act is irrecoverable ;
or

(b) without reasonable excuse, demands or, receives, as rent in respect of any premises to which this Act applies, any sum which by virtue of this Act is irrecoverable

shall be guilty of an offence.

Penalty : Fifty pounds.

11. (1) Any person who, whether as principal or agent, receives any payment of rent of any premises to which this Act applies shall, at the time of receiving the payment or within twenty-four hours of the making of the payment, give or cause to be given to the person making the payment a receipt (whether by way of an entry in a rent book or by a separate document) for the payment specifying the amount paid, the period in respect of which the payment is made, and the premises in respect of which the payment is made. Duty to give receipt for rent.

(2) Any person who commits any contravention of this section shall be guilty of an offence.

Penalty : Twenty pounds.

Proper records
of rent to be
kept.

12. (1) Any landlord of any premises to which this Act applies who fails, by himself or his agent, to keep or cause to be kept, a record showing the rent received in respect of those premises shall be guilty of an offence.

(2) Any landlord of any premises to which this Act applies or any agent of any such landlord who, without reasonable excuse, makes or, without reasonable excuse, allows to be retained in any record showing the rent of those premises, any false entry in a material particular shall be guilty of an offence.

Penalty : Fifty pounds.

Threatening
tenant, etc.

13. (1) Any person who—

(a) by any threat, endeavours to dissuade or prevent a tenant from making or prosecuting any application to the local court under this Act, shall be guilty of an offence ;

(b) does or procures to be done, any act or thing for the purpose of imposing any detriment or disadvantage upon a tenant because the tenant has made an application to the local court under this Act shall be guilty of an offence.

Penalty : Fifty pounds.

Arrangements
to evade Act.

14. Any contract or arrangement whether oral or in writing the purpose or effect of which is either directly or indirectly to defeat, evade or prevent the operation of this Act shall be null and void.

Restriction on
termination of
tenancy.

15. (1) The landlord of any premises in respect of which an application to the local court under this Act is pending or an order under this Act is in force shall not, without the leave of the local court, give any notice to terminate the tenancy or take or continue any proceedings to recover possession of the premises from the tenant or for the ejection of the tenant therefrom.

Penalty : Fifty pounds.

(2) A notice to quit given in contravention of this section shall not operate so as to terminate the tenancy in respect of which the notice was given.

(3) The local court shall not grant leave to a landlord to give notice to terminate a tenancy of any premises in respect of which an order fixing the rent is in force except upon any of the following grounds—

(a) that the tenant has failed to pay the rent in respect of a period—

(i) where the tenant's period of occupation does not exceed six months—of not less than seven days ;

(ii) where the tenant's period of occupation exceeds six months but does not exceed twelve months—of not less than fourteen days ;

(iii) in any other case—of not less than twenty-eight days,

or that the tenant has failed to pay any rent which has been due and payable for more than twenty-eight days ;

(b) that the tenant has failed to perform or observe some other term or condition of the letting agreement and the performance or observance of that other term or condition has not been waived or excused by the landlord ;

(c) that the tenant has failed to take reasonable care of the premises, or of any furniture or other goods therewith or has committed waste ;

(d) that the tenant or any person residing or lodging in the premises has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers ;

(e) that the tenant or any other person has been convicted, during the currency of the letting, of any offence arising out of the use of the premises for any illegal purpose or that a court has found or declared that the premises have, during the currency of the letting, been used for some illegal purpose ;

(f) that there are special reasons deemed by the court to be sufficient to justify the grant of leave.

16. (1) No person shall levy or make any distress for rent of any dwellinghouse.

Abolition of
distress for
rent.

(2) Any person who commits any contravention of subsection (1) shall, without limitation of any other liability occasioned thereby, be guilty of an offence.

Penalty : Fifty pounds.

Regulations.

17. The Governor may make regulations providing for the execution of any matter or thing arising under and consistent with this Act and not expressly provided for in this Act, and for more fully carrying out the objects and purposes of this Act, and for guarding against evasions and violations of this Act.

Rules of Court.

18. The powers conferred by section 28 of the Local Courts Act, 1926-1959, shall include power to make rules for carrying into effect or supplementing the provisions of this Act relating to applications to local courts and for regulating the procedure to be followed and otherwise for carrying this Act into effect.

Evidence.

19. If any premises to which any letting agreement relates are used for the purpose of residence, then for the purposes of this Act, the premises shall, unless the contrary is shown, be deemed to have been let for the purposes of residence.

Summary proceedings.

20. All proceedings for offences against this Act shall be disposed of summarily.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 56 of 1962

An Act to consolidate and amend the Law relating to
Companies.

[Assented to 22nd November, 1962.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Companies Act, 1962".

Short title.

2. (1) This subsection and subsection (3) of this section shall
come into operation on the day on which the Governor assents
to this Act.

Commence-
ment.

(2) Except as provided by subsection (1) of this section, this
Act shall come into operation on a day to be fixed by procla-
mation.

(3) Where, prior to the coming into operation of this Act as
provided by subsection (2) of this section, a private company,
within the meaning of section 38 of the Companies Act,
1934-1960, determines to become and converts to—

(a) a proprietary company under the provisions of
section 37 of the Companies Act, 1934-1960 ; or

NOTES.

The abbreviations used in the marginal references to other Acts are references to
the following Acts as amended :—

U.K. : 11 and 12 Geo. VI. 1948 (Imperial).

N.S.W. : New South Wales No. 33 of 1936.

Vic. : Victoria No. 6455 of 1958.

Qsld. : Queensland No. 53 of 1931.

S.A. : South Australian Companies Act 1934-1960.

W.A. : Western Australia Companies Act 1943-1960.

Tas. : Tasmania No. 29 of 1959.

(b) a public company under the provisions of section 38 of that Act,

no fee shall be payable under that Act in respect of such conversion, and the Registrar on being satisfied that any document relating or incidental to such conversion complies with the requirements of that Act other than those of section 321 thereof, may accept the document for filing or registration under that Act, notwithstanding that the document does not bear a certificate as required by that section.

Division into
Parts.

3. This Act is divided into Parts, Divisions and Subdivisions as follows :—

PART I.—Preliminary ss. 1-6.

PART II.—Administration of Act ss. 7-13.

PART III.—Constitution of Companies ss. 14-36—

DIVISION I.—Incorporation ss. 14-18 :

DIVISION II.—Powers, etc. ss. 19-36 :

PART IV.—Shares, Debentures and Charges ss. 37-110—

DIVISION I.—Prospectuses ss. 37-47 :

DIVISION II.—Restrictions on Allotment and Commencement of Business ss. 48-53 :

DIVISION III.—Shares ss. 54-69 :

DIVISION IV.—Debentures ss. 70-75 :

DIVISION V.—Interests other than Shares, Debentures, etc. ss. 76-89 :

DIVISION VI.—Title and Transfers ss. 90-99 :

DIVISION VII.—Registration of Charges ss. 100-110 :

PART V.—Management and Administration ss. 111-160—

DIVISION I.—Office and Name ss. 111-113 :

DIVISION II.—Directors and Officers ss. 114-134 :

DIVISION III.—Meetings and Proceedings ss. 135-149 :

DIVISION IV.—Register of Members ss. 150-157 :

DIVISION V.—Annual Return ss. 158-160 :

PART VI.—Accounts, Audit and Investigation ss. 161-180—

DIVISION I.—Accounts ss. 161-164 :

DIVISION II.—Audit ss. 165-167 :

DIVISION III.—Inspection ss. 168-171 :

DIVISION IV.—Special Investigations ss. 172-180 :

PART VII.—Arrangements and Reconstructions ss. 181-186.

PART VIII.—Receivers and Managers ss. 187-197.

PART IX.—Official Management ss. 198-215.

PART X.—Winding Up ss. 216-318—

DIVISION I.—Preliminary ss. 216-220 :

DIVISION II.—Winding Up by the Court ss. 221-253—

SUBDIVISION (1)—General ss. 221-230 :

SUBDIVISION (2)—Liquidators ss. 231-240 :

SUBDIVISION (3)—Committees of Inspection
ss. 241-242 :SUBDIVISION (4)—General Powers of Court
ss. 243-253 :

DIVISION III.—Voluntary Winding Up ss. 254-276—

SUBDIVISION (1)—Introductory ss. 254-257 :

SUBDIVISION (2)—Provisions applicable only to
Members' Voluntary Winding
Up ss. 258-259 :SUBDIVISION (3)—Provisions applicable only to
Creditors' Voluntary Winding
Up ss. 260-263 :SUBDIVISION (4)—Provisions applicable to every
Voluntary Winding Up
ss. 264-276 :DIVISION IV.—Provisions applicable to every mode
of Winding Up ss. 277-313—

SUBDIVISION (1)—General ss. 277-290 :

SUBDIVISION (2)—Proof and Ranking of Claims
ss. 291-292 :SUBDIVISION (3)—Effect on other Transactions
ss. 293-299 :

SUBDIVISION (4)—Offences ss. 300-306 :

SUBDIVISION (5)—Dissolution ss. 307-313 :

DIVISION V.—Winding Up of Unregistered Com-
panies ss. 314-318.

PART XI.—Various Types of Companies, etc. ss. 319-361—

DIVISION I.—No-Liability Companies ss. 319-333 :

DIVISION II.—Investment Companies ss. 334-343 :

DIVISION III.—Foreign Companies ss. 344-361.

PART XII.—General ss. 362-396—

DIVISION I.—Enforcement of Act ss. 362-373 :

DIVISION II.—Offences ss. 374-382 :

DIVISION III.—Miscellaneous ss. 383-396 :

PART XIII.—Special Provisions Relating to Local Pro-
prietary and Private Companies ss. 397-399.

4. (1) The Acts mentioned in the First Schedule are hereby repealed.

(2) Unless the contrary intention appears in this Act—

(a) all persons, things and circumstances appointed or created by or under a provision of any Act hereby

Repeals and
Savings,
First Schedule.

N.S.W.
ss. 3, 4.
Vic. s. 2.
Qsld. s. 4.
S.A. ss. 2, 4-6,
325, 326.
W.A. s. 4.
Tas. s. 2.

repealed and existing or continuing under any such Act immediately before the commencement of this Act shall, under and subject to this Act, continue to have the same status, operation and effect as they respectively would have had if such Act had not been so repealed ; and

(b) in particular, and without affecting the generality of the foregoing paragraph—

(i) all persons appointed under or by virtue of the provisions of any Act hereby repealed, and holding office immediately before the commencement of this Act, shall continue in office as if this Act had been in force at the time when they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly ; and

(ii) such repeal shall not affect the incorporation of any company before the commencement of this Act or disturb the continuity of status, operation or effect of any Order in Council, order, rule, regulation, scale of fees, appointment, conveyance, mortgage, deed, agreement, resolution, direction, instrument, document, memorandum, articles, nomination, affidavit, call, forfeiture, minute, assignment, register, registration, transfer, list, licence, certificate, security, notice, compromise, arrangement, right, priority, liability, duty, bond, obligation, proceeding, matter or thing made, done, effected, given, issued, passed, taken, validated, entered into, executed, lodged, accrued, incurred, existing, pending or acquired before the commencement of this Act by or under any Act hereby repealed.

(3) Nothing in this Act shall affect—

(a) Table A of the First Schedule to the repealed Act or any part thereof (either as originally enacted or as altered in pursuance of any statutory power) or the corresponding Table in any former enactment relating to companies (either as originally enacted or as so altered) so far as the same applies to any company existing at the commencement of this Act ;

(b) Table B of the First Schedule to the repealed Act or any part thereof (either as originally enacted or as altered in pursuance of any statutory power) or the corresponding Table in any former enactment relating to mining companies (either as originally enacted or as so altered) so far as the same applies to any company existing at the commencement of this Act ; or

(c) the operation of the Trade Union Act, 1876-1935.

(4) The provisions of this Act with respect to winding up other than the provisions of Subdivision (5) of Division IV of Part X shall not apply to any company or society the winding up of which was commenced before the commencement of this Act, but every such company or society shall be wound up in the same manner and with the same incidents as if this Act had not come into operation and for the purposes of the winding up the Act or Acts under which the winding up commenced shall be deemed to remain in full force.

(5) In the application of paragraph (b) of sub-section (1) of section 9 to a person who became indebted to a corporation before the commencement of this Act, that indebtedness shall until the expiration of five years after the commencement of this Act be disregarded if—

(a) the ordinary business of the corporation includes to a substantial degree the lending of money and the indebtedness was incurred in the ordinary course of that business ; and

(b) the indebtedness would not have disqualified that person from appointment as auditor of the corporation if this Act had not come into force.

(6) Paragraph (c) of subsection (1) of section 9 shall not apply to any person in relation to a proprietary company or a private company until the expiration of twelve months after the commencement of this Act if he was appointed as auditor of that company before the commencement of this Act.

(7) Where in any other Act or in any document, rule or regulation a reference is made to the repealed Act or any corresponding previous enactment or any provision of such Act or enactment, that reference shall, so far as it is applicable, be read as a reference to this Act or to the corresponding provisions, if any, of this Act.

(8) The mention of particular matters in this section, or in any other section shall not affect the general application of the Acts Interpretation Act, 1915-1957, as amended, to the repeals effected by this Act, except where that Act is inconsistent with this Act.

(9) Any fund, register or account kept or continued under any provision of the repealed Act shall be deemed to be part of the fund, register or account kept or required to be kept under the corresponding provision of this Act.

(10) Subject to this Act a company (not being a foreign company) formed and registered under the repealed Act or registered under or subject to The Companies Act, 1892, shall be deemed to be incorporated under this Act, and this Act shall extend and apply to the company accordingly, and any reference in this Act, express or implied, to the date of registration of a company shall, in relation to such a company, be read as a reference to the date on which the company was registered under the repealed Act or was registered under or subject to The Companies Act, 1892.

(11) This Act applies to a corporation registered, but not incorporated, under the repealed Act or any corresponding previous enactment in the same manner as it applies to corporations registered but not incorporated under this Act.

(12) Where, within a period of six months before the commencement of this Act, a prospectus was registered under the repealed Act and the prospectus complied with the requirements of the repealed Act, the prospectus shall, for the purposes of this Act, until the expiration of a period of six months after the date on which it was registered, be deemed to be a prospectus registered under this Act.

(13) Where, before the date of the commencement of this Act, an inspector had been appointed to investigate the affairs of a company under section 156, 158 or 158a of the repealed Act and the investigation had not been completed before that date, the provisions of the repealed Act shall continue to apply to and in relation to the investigation as if this Act had not come into operation.

Interpretations.

U.K. ss. 154,
455.
N.S.W. ss. 6,
107, 137.
Vic. s. 3.
Qsld. s. 5.
S.A. s. 8.
W.A. s. 3.
Tas. s. 3.

5. (1) In this Act unless the contrary intention appears—

“annual general meeting”, in relation to a company, means a meeting of the company required to be held by section 136 :

“annual return” means—

(a) in relation to a company having a share capital, the return required to be made by section 158; and

(b) in relation to a company not having a share capital, the return required to be made by section 159,

and includes any document accompanying the return :

- “articles” means articles of association :
- “banking corporation” means a bank as defined in section 5 of the Banking Act 1959 of the Commonwealth, as amended :
- “Board” means Companies Auditors Board constituted under this Act :
- “books” includes accounts, deeds, writings and documents :
- “branch register” means—
- (a) in relation to a company, a branch register of members of the company kept in pursuance of section 157 ;
 - (b) in relation to a foreign company, a branch register of members of the company kept in pursuance of section 354 :
- “calendar year” means a period of twelve months commencing on the first day of January :
- “certified”, in relation to a copy of a document, means certified in the prescribed manner to be a true copy of the document and, in relation to a translation of a document, means certified in the prescribed manner to be a correct translation of the document into the English language :
- “charge” includes a mortgage and any agreement to give or execute a charge or mortgage whether upon demand or otherwise :
- “commencement of this Act” means the day on which this Act comes into operation as provided by subsection (2) of section 2 :
- “company” means a company incorporated or deemed to be incorporated under or pursuant to this Act and includes a company as defined in the repealed Act, but does not include a foreign company :
- “company having a share capital” includes an unlimited company with a share capital :
- “company limited by guarantee” means a company formed on the principle of having the liability of its members limited by the memorandum to such amount as the members may respectively undertake to contribute to the assets of the company in the event of its being wound up :
- “company limited by shares” means a company formed on the principle of having the liability of its members limited by the memorandum to the amount (if any) unpaid on the shares respectively held by them :

“contributory”, in relation to a company, means a person liable to contribute to the assets of the company in the event of its being wound up, and includes the holder of fully paid shares in the company and, prior to the final determination of the persons who are contributories, includes any person alleged to be a contributory :

“corporation” means any body corporate formed or incorporated whether in the State or outside the State and includes any foreign company but does not include—

(a) any body corporate that is incorporated within the Commonwealth and is a public authority or an instrumentality or agency of the Crown ;

(b) any body corporate (not being a company) incorporated by or under any Act, other than this Act or any corresponding previous enactment ; or

(c) any corporation sole :

“Court” means the Supreme Court or a Judge thereof and includes the Master or Deputy Master of the Supreme Court when exercising, in accordance with rules of Court, the jurisdiction of that Court :

“creditors’ voluntary winding up” means a winding up under Division III of Part X, other than a members’ voluntary winding up :

“debenture” includes debenture stock, bonds, notes and any other securities of a corporation whether constituting a charge on the assets of the corporation or not :

“default penalty” means a default penalty within the meaning of section 380 :

“director” includes any person occupying the position of director of a corporation by whatever name called, and includes a person in accordance with whose directions or instructions the directors of a corporation are accustomed to act :

“document” includes summons, order and other legal process, and notice and register :

“emoluments”, in relation to a director or auditor of a company, includes fees, percentages and other payments made (including the money value of any allowances or perquisites), or consideration given, directly or indirectly, to the director or auditor by the company or by any holding company or subsidiary

of that company, whether made or given to him in his capacity as a director or auditor or otherwise in connection with the affairs of that company or of the holding company or the subsidiary :

“exempt proprietary company” means a proprietary company no share in which is, by virtue of subsections (7) and (8) of this section, deemed to be owned by a public company :

“expert” includes engineer, valuer, accountant and any other person whose profession or reputation gives authority to a statement made by him :

“filed” means filed under this Act or any corresponding previous enactment :

“financial year”, in relation to any corporation, means the period in respect of which any profit and loss account of the corporation laid before it in general meeting is made up, whether that period is a year or not :

“foreign company” means—

(a) a company, corporation, society, association or other body incorporated outside the State ;
or

(b) an unincorporated society, association or other body which under the law of its place of origin may sue or be sued, or hold property in the name of the secretary or other officer of the body or association duly appointed for that purpose and which does not have its head office or principal place of business in the State : cf. S.A. s. 364.

“limited company” means a company limited by shares or by guarantee or both by shares and guarantee but does not include a no-liability company :

“lodged” means lodged under this Act or any corresponding previous enactment :

“manager”, in relation to a company, means the principal executive officer of the company for the time being by whatever name called and whether or not he is a director :

“marketable securities” means debentures, funds, stocks, shares or bonds of any Government or of any local government authority or of any corporation or society and includes any right or option in respect of shares in any corporation and any interest as defined in section 76 :

“members’ voluntary winding up” means a winding up under Division III of Part X where a declaration has been made and lodged in pursuance of section 257 :

“memorandum” means memorandum of association :

“minimum subscription”, in relation to any shares offered to the public for subscription, means the amount stated in the prospectus relating to the offer in pursuance of sub-paragraph (a) of paragraph 4 of the Fifth Schedule as the minimum amount which in the opinion of the directors must be raised by the issue of the shares so offered :

“mining company” means a company the sole objects of which are mining purposes :

“mining purposes” means purposes of prospecting for or obtaining by any mode or method or of selling or otherwise disposing of ores, metals, minerals and all products of mining, and includes all or any of such purposes whether carried on in the State or elsewhere and purposes necessary for or incidental to the foregoing purposes but does not include quarrying operations for the sole purpose of obtaining stone for building, roadmaking or similar purposes :

“no-liability company” means a company in which the acceptance of a share does not constitute a contract to pay calls :

“officer”, in relation to a corporation, includes—

(a) a director, secretary or employee of the corporation ;

(b) a receiver and manager of any part of the undertaking of the corporation appointed under a power contained in any instrument ; and

(c) a liquidator of the corporation appointed in a voluntary winding up,

but does not include—

(i) a receiver who is not also a manager ;

(ii) a receiver and manager appointed by the Court ; or

(iii) a liquidator appointed by the Court or by the creditors :

“official liquidator” means a person appointed as an official liquidator under section 11 :

“official manager” means a person appointed as an official manager under Part IX :

“Part” means Part of this Act :

“principal register”, in relation to a company, means the register of members of the company kept in pursuance of section 151 :

“printed” includes type-written or lithographed or reproduced by any mechanical means :

“private company” means a company—

(a) which immediately prior to the commencement of this Act was a private company under the provisions of the repealed Act and has not converted to a proprietary company or a public company in accordance with section 26 of this Act ;

(b) the memorandum or articles of which contain the prohibition and provision required by paragraphs (a) and (b) of subsection (1) of section 38 of the repealed Act to be included in its memorandum or articles and have contained that prohibition and provision continuously since the commencement of this Act ; and

(c) which has not ceased to be a private company by virtue of section 27 :

“profit and loss account” includes income and expenditure account, revenue account and any other account showing the results of the business of a corporation for a period :

“promoter”, in relation to a prospectus issued by or in connection with a corporation, means a promoter of the corporation who was a party to the preparation of the prospectus or of any relevant portion thereof, but does not include any person by reason only of his acting in a professional capacity :

“proprietary company” means—

(a) a company which immediately prior to the commencement of this Act was a proprietary company under the provisions of the repealed Act ;

(b) a company incorporated as a proprietary company by virtue of section 15 ; or

(c) a company converted into a proprietary company pursuant to the provisions of subsection (1) of section 26,

being a company which has not ceased to be a proprietary company by virtue of section 26 or section 27 :

- “prospectus” means a prospectus, notice, circular, advertisement or invitation inviting applications or offers from the public to subscribe for or purchase or offering to the public for subscription or purchase any shares in or debentures of or any units of shares in or units of debentures of a corporation or proposed corporation :
- “public company” means a company other than a proprietary company or a private company :
- “registered” means registered under this Act or any corresponding previous enactment :
- “registered company auditor” means a person registered as a company auditor or deemed to be registered as such under section 9 and in relation to a corporation, not being a company, includes a person qualified to act as the auditor of the corporation under the law of the place in which the corporation is incorporated :
- “registered liquidator” means a registered company auditor who has been registered by the Board as a liquidator or a person who is deemed to be registered as a liquidator under section 9 :
- “Registrar” means the Registrar of Companies under this Act and includes any Deputy or Assistant Registrar of Companies :
- “repealed Act” means The Companies Act, 1934, as amended :
- “resolution for voluntary winding up” means the resolution referred to in section 254 :
- “Schedule” means Schedule to this Act :
- “section” means section of this Act :
- “share” means share in the share capital of a corporation and includes stock except where a distinction between stock and shares is expressed or implied :
- “statutory meeting” means the meeting referred to in section 135 :
- “statutory report” means the report referred to in section 135 :
- “Table A” means Table A in the Fourth Schedule :
- “Table B” means Table B in the Fourth Schedule :
- “unit”, in relation to a share, debenture or other interest, means any right or interest therein, by whatever term called :
- “unlimited company” means a company formed on the principle of having no limit placed on the liability of its members.

(2) For the purposes of this Act a person shall not be regarded as a person in accordance with whose directions or instructions the directors of a company are accustomed to act by reason only that the directors act on advice given by him in a professional capacity.

(3) For the purposes of this Act a statement included in a prospectus or statement in lieu of prospectus shall be deemed to be untrue if it is misleading in the form and context in which it is included.

When statement untrue.

(4) For the purposes of this Act a statement shall be deemed to be included in a prospectus or statement in lieu of prospectus if it is contained in any report or memorandum appearing on the face thereof or by reference incorporated therein or issued therewith.

When statement included in prospectus.

(5) For the purposes of this Act any invitation to the public to deposit money with or to lend money to a corporation shall be deemed to be an invitation to subscribe for or purchase debentures of the corporation.

Invitation to lend money deemed invitation to purchase debentures.

(6) Any reference in this Act to offering shares or debentures to the public shall, unless the contrary intention appears, be construed as including a reference to offering them to any section of the public, whether selected as clients of the person issuing the prospectus or in any other manner; but a *bona fide* offer or invitation with respect to shares or debentures shall not be deemed to be an offer to the public if it is—

As to what constitutes an offer to the public.
Cf. S.A. s. 50 (3), (5).

- (a) an offer or invitation to enter into an underwriting agreement;
- (b) made to a person whose ordinary business it is to buy or sell shares or debentures whether as principal or agent;
- (c) made to existing members or debenture holders of a corporation and relates to shares in or debentures of that corporation; or
- (d) made to existing members of a company within the meaning of section 270 and relates to shares in the corporation within the meaning of that section.

(7) For the purposes of the definition of “exempt proprietary company” in subsection (1) of this section, a share in a proprietary company shall be deemed to be owned by a public company if any beneficial interest in the share is held, directly or indirectly, by—

- (a) a public company;
- (b) a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by a public company; or

(c) a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by a proprietary company a beneficial interest in a share in which is held, directly or indirectly by—

(i) a public company ; or

(ii) another proprietary company a beneficial interest in a share in which is held directly or indirectly, otherwise than by a natural person.

(8) For the purposes of subsection (7) of this section, but without limiting the generality of that subsection—

(a) a reference in that subsection to a public company shall be read as including a reference to a foreign company other than a foreign company that (whether or not Division III of Part XI applies to it) is a foreign company of a kind referred to in subsection (5) of section 348 ;

(b) a reference in that subsection to a public company or to a proprietary company shall be read as not including a reference to a company in respect of which a licence under section 24, or under any corresponding previous enactment, is in force ;

(c) where a corporation holds a beneficial interest in a redeemable preference share in a proprietary company and—

(i) no voting rights attach to the share ; or

(ii) any voting rights attaching to the share are exercisable only in special circumstances and do not include the right (except where any dividend in respect of the share is in arrears) to vote at an election of directors of the proprietary company,

the share shall be treated as if the beneficial interest in the share were held by a natural person ; and

(d) a person (including a corporation) shall be deemed to hold a beneficial interest in a share—

(i) if that person, either alone or together with other persons, is entitled (otherwise than as trustee for, on behalf of or on account of, another person) to receive, directly or indirectly, any dividends in respect of the share or to exercise, or to control the exercise of, any rights attaching to the share ; or

- (ii) if that person, being a corporation, holds any beneficial interest in a share of another corporation which holds, or a subsidiary of which holds, any beneficial interest in that first-mentioned share.

6. (1) For the purposes of this Act, a corporation shall, subject to the provisions of subsection (3) of this section, be deemed to be a subsidiary of another corporation, if—

(a) that other corporation—

- (i) controls the composition of the board of directors of the first-mentioned corporation;
- (ii) controls more than half of the voting power of the first-mentioned corporation; or
- (iii) holds more than half of the issued share capital of the first-mentioned corporation (excluding any part thereof which carries no right to participate beyond a specified amount in a distribution of either profits or capital); or

(b) the first-mentioned corporation is a subsidiary of any corporation which is that other corporation's subsidiary.

(2) For the purposes of subsection (1) of this section, the composition of a corporation's board of directors shall be deemed to be controlled by another corporation if that other corporation by the exercise of some power exercisable by it without the consent or concurrence of any other person can appoint or remove all or a majority of the directors, and for the purposes of this provision that other corporation shall be deemed to have power to make such an appointment if—

- (a) a person cannot be appointed as a director without the exercise in his favour by that other corporation of such a power; or
- (b) a person's appointment as a director follows necessarily from his being a director or other officer of that other corporation.

(3) In determining whether one corporation is a subsidiary of another corporation—

- (a) any shares held or power exercisable by that other corporation in a fiduciary capacity shall be treated as not held or exercisable by it;
- (b) subject to paragraphs (c) and (d) of this subsection, any shares held or power exercisable—

Definition of subsidiary and holding company.

U.K. s. 154.
N.S.W. s. 107.
Vic. s. 3, (4).
Qsld. s. 137.
S.A. s. 140.
W.A. s. 130.
Tas. s. 3 (5)

- (i) by any person as a nominee for that other corporation (except where that other corporation is concerned only in a fiduciary capacity); or
- (ii) by, or by a nominee for, a subsidiary of that other corporation, not being a subsidiary which is concerned only in a fiduciary capacity—

shall be treated as held or exercisable by that other corporation ;

- (c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of the first-mentioned corporation or of a trust deed for securing any issue of such debentures shall be disregarded ; and
- (d) any shares held or power exercisable by, or by a nominee for, that other corporation or its subsidiary (not being held or exercisable as mentioned in paragraph (c) of this subsection) shall be treated as not held or exercisable by that other corporation if the ordinary business of that other corporation or its subsidiary, as the case may be, includes the lending of money and the shares are held or power is exercisable as aforesaid by way of security only for the purposes of a transaction entered into in the ordinary course of that business.

(4) A reference in this Act to the holding company of a company or other corporation shall be read as a reference to a corporation of which that last-mentioned company or corporation is a subsidiary.

(5) Where a corporation—

- (a) is the holding company of another corporation ;
- (b) is a subsidiary of another corporation ; or
- (c) is a subsidiary of the holding company of another corporation,

that first-mentioned corporation and that other corporation shall for the purposes of this Act be deemed to be related to each other.

PART II.

PART II.

ADMINISTRATION OF ACT.

7. (1) Subject to the Public Service Act, 1936, as amended, the Governor may appoint—

Registrar of Companies.

(a) a person to be the Registrar of Companies to have the charge and control of the office of the Registrar of Companies and to carry out the duties and functions vested by or under this or any other Act in the Registrar ; and

N.S.W. s. 7.
Vic. s. 4.
Qsl. ss. 8,
381A.

S.A. ss. 315,
317-319.
W.A. s. 391.
Tas. s. 5.

Deputy and Assistant Registrars and officers.

(b) such Deputy Registrars of Companies and Assistant Registrars of Companies and other officers as are required for the purposes of this Act.

(2) The persons appointed as Registrar of Companies and Deputy Registrar of Companies under the repealed Act and in office immediately before the commencement of this Act shall without further or other appointment be deemed to have been appointed Registrar of Companies and Deputy Registrar of Companies respectively for the purposes of this Act and, subject to this Act, shall continue to hold those offices respectively in terms of their respective appointments.

(3) A Deputy Registrar of Companies or an Assistant Registrar of Companies may, subject to the directions of the Registrar, exercise any power or perform any function of the Registrar.

(4) All courts, judges and persons acting judicially shall take judicial notice of the seal and signature of the Registrar and of the signature of any Deputy or Assistant Registrar.

Certain signatures to be judicially noticed.

(5) Any reference to the Registrar of Companies in any Act, Order, regulation, rule, instrument or document relating to any matter under or in connection with this Act or any corresponding previous enactment or any other Act or enactment shall be deemed and taken to refer to the Registrar unless the context otherwise requires.

Transitory.

(6) For the purpose of ascertaining whether a corporation is complying with the provisions of this Act, the Registrar or any person authorized by him may inspect any books, minute book, register or record required by or under this Act to be kept by the corporation.

(7) No person shall make an inspection in pursuance of subsection (6) of this section unless he has made a declaration in the prescribed form.

(8) A person—

(a) who makes an inspection in pursuance of subsection (6) of this section before he has made a declaration referred to in subsection (7) of this section ; or

- (b) who after making such a declaration, except for the purposes of this Act, or in the course of any criminal proceedings, makes a record of, or divulges or communicates to any other person any information which he has acquired by reason of such an inspection,

shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

(9) A company or any officer shall, on being required by the Registrar or a person so authorized, produce any books, minute book, register or record referred to in subsection (6) of this section.

Penalty : One hundred pounds.

(10) A company or any officer shall not obstruct or hinder the Registrar or person so authorized while exercising any of the powers referred to in subsection (6) of this section.

Penalty : One hundred pounds.

(11) There shall be paid to the Registrar—

- (a) the fees specified in the Second Schedule ; and
 (b) such other fees as are prescribed,

and where a fee is payable to the Registrar for or in respect of the lodging of a document with the Registrar, the document shall be deemed not to have been lodged until the fee has been paid to the Registrar.

(12) The Registrar shall have a seal which shall bear the words "Registrar of Companies, South Australia" and any documents accepted for registration, or issued, by the Registrar may be authenticated by that seal.

8. (1) For the purposes of this Act there shall be a Companies Auditors Board whose functions shall be to effect and control the registration of company auditors and liquidators as hereinafter prescribed.

(2) Except as provided by subsection (3) of this section, the Board shall consist of three members appointed by the Governor of whom—

- (a) one shall be a Local Court Judge, a special magistrate or a duly qualified practitioner of the Supreme Court of not less than five years' standing who shall be the chairman of the Board ;
 (b) one shall be selected from a panel of five names nominated by the State Council of the Institute of Chartered Accountants in Australia ; and

Fees.
 N.S.W.
 ss. 368, 380.
 Vic. s. 9.
 Qsld. s. 10.
 S.A. s. 317.
 W.A. s. 393.
 Tas. s. 11.

Companies
 Auditors
 Board.
 Vic. s. 5.
 S.A. s. 370.
 W.A. ss. 137,
 138, 402, 406.
 Tas. s. 138.

(c) one shall be selected from a panel of five names nominated by the Council of the State Division of the Australian Society of Accountants.

(3) If the appropriate Council referred to in paragraph (b) or (c) of subsection (2) of this section fails to submit in writing to the Minister, within two months after being requested by the Minister in writing so to do, a panel of names nominated by that Council for the selection of a member of the Board, the Governor may appoint such person as he thinks fit to be that member without having regard to any such panel.

(4) During the absence from a meeting of a member of the Board, his deputy, appointed in accordance with this section, shall be entitled to attend that meeting and, when so attending shall be deemed to be a member of the Board and, in the case of the deputy of the Chairman of the Board, shall be deemed to be the Chairman of the Board.

(5) The Minister may as the necessity arises appoint such person as he considers fit and proper to be the deputy of a member.

(6) An appointment of a deputy and any exercise by him of his powers and functions as such shall not be questioned on the ground that the occasion for the exercise of those powers or functions had not arisen or had ceased.

(7) Any two members of the Board shall have and may exercise all or any of the powers and authorities of the Board.

(8) Each member and each deputy when acting in the absence of a member of the Board shall be entitled to such fees and allowances as are prescribed.

(9) A member shall hold office for such term not exceeding three years as is fixed by the terms of his appointment and shall retire at the end of that term, but may be re-appointed.

(10) A member shall cease to hold office upon his removal from office at any time.

(11) The Registrar of Companies, or in his absence, the Deputy Registrar of Companies shall be the Registrar of the Board.

(12) On the commencement of this Act the Companies Auditors' and Liquidators' Board constituted under the repealed Act shall cease to exist.

9. (1) A person shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor—

Company
auditors and
liquidators.
Vic. s. 5.
S.A. ss. 154,
371.
W.A. ss. 137
138, 402, 456.
Tas. s. 138.

- (a) if he is not a registered company auditor ;
- (b) if he is indebted to the company or to a corporation that is deemed to be related to that company by virtue of subsection (5) of section 6 in an amount exceeding five hundred pounds ; or
- (c) except where the company is an exempt proprietary company, if he is—
 - (i) an officer of the company ;
 - (ii) a partner, employer or employee of an officer of the company ; or
 - (iii) a partner or employee of an employee of an officer of the company.

Penalty : One hundred pounds.

(2) For the purposes of subsection (1) of this section, a person shall be deemed to be an officer of a company if he is an officer of a corporation that is deemed to be related to the company by virtue of subsection (5) of section 6 or, except where the Board, if it thinks fit in the circumstances of the case, directs otherwise, he has, at any time within the preceding period of twelve months, been an officer or promoter of the company or of such a corporation.

(3) For the purposes of this section, a person shall not be deemed to be an officer by reason only of his having been appointed as auditor of a corporation or, for any purpose relating to taxation, a public officer of a corporation.

(4) A firm shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor unless—

- (a) all the partners of the firm are registered company auditors and, where the firm is not registered as a firm or the business name under which they are carrying on business is not registered under the law of the State, a return showing the full names and addresses of all the partners of the firm has been lodged with the Registrar ; and
- (b) no partner is disqualified under the provisions of paragraph (b) or (c) of subsection (1) of this section from acting as the auditor of the company.

(5) If a firm contravenes subsection (4) of this section each partner of the firm shall be guilty of an offence.

Penalty : One hundred pounds.

(6) No company or person shall appoint a person as auditor of a company unless that last-mentioned person has prior to such

appointment consented in writing to act as such auditor, and no company or person shall appoint a firm as auditor of a company unless the firm has prior to such appointment consented, in writing under the hand of at least one partner of the firm, to act as such auditor.

(7) A person—

- (a) who immediately before the commencement of this Act was the holder of a current auditor's licence under the repealed Act ;
- (b) who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or any other body established outside Australia prescribed on the recommendation of the Board as a body for the purposes of this subsection ;
- (c) who is a registered company auditor in any State or Territory of the Commonwealth ;
- (d) who holds a degree or diploma from any University in the Commonwealth and has passed examinations in the course for such degree or diploma in such subjects, under whatever name, as the appropriate authority of the University certifies to the Board to represent a course of study in accountancy or auditing of three years' and in commercial law (including company law) of two years' duration ;
- (e) who holds the diploma or associate diploma in accountancy of the South Australian Institute of Technology or the certificate in accountancy of a prescribed Institute of Technology or Technical College ; or
- (f) who has satisfied the Board that he has a thorough knowledge of accounts and auditing and of the provisions of this Act and of such other subjects as may be prescribed,

shall, if the Board is satisfied with his general conduct and character, be entitled on the payment of the prescribed fee to be registered as a company auditor or, if he is a registered company auditor, to the renewal of his registration.

(8) A person who immediately before the commencement of this Act was the holder of a current auditor's licence or a current liquidator's licence under the repealed Act shall be deemed to have been registered by the Board as a company auditor or as a liquidator, as the case may be, under this section on the date of the commencement of this Act.

(9) Any registered company auditor may apply to the Board for registration or for the renewal of his registration as a liquidator and the Board if satisfied as to his experience and capacity shall, on his giving security in the prescribed manner and amount and on payment of the prescribed fee, register such person or renew such person's registration, as the case may be, as a liquidator.

(10) Any security furnished under the repealed Act by a person deemed to have been registered as a liquidator by virtue of subsection (8) of this section shall, notwithstanding subsection (1) of section 4, continue to be subject to and governed by the provisions of the repealed Act and the regulations thereunder, but the registration of that person as a liquidator shall not be renewed unless fresh security is given by that person as required under this Act.

(11) Every registration including a renewal of registration of a company auditor or liquidator shall be in force until the thirty-first day of March in the year following the year in which the registration was effected or deemed to have been effected.

(12) The Board after giving notice to any person who is a registered company auditor or a registered liquidator may inquire into the conduct and character as well as the abilities of the person but shall not do so without giving to the person an opportunity of being heard.

S.A. s. 371 (13).

(13) The Board may, in the exercise of its functions under this section, exercise any powers which a local court could exercise for procuring the attendance of witnesses, and punishing witnesses who fail to attend when required, and administering oaths and affirmations and taking evidence on oath, and the provisions of the Local Courts Act, 1926, as amended, as to these matters shall be construed so as to apply to the proceedings of the Board under this section.

(14) If at any inquiry by the Board a person who is a registered company auditor or a registered liquidator is found to have been guilty of any conduct discreditable to an auditor or liquidator, as the case may be, or is found to be incapable of performing the duties of a registered company auditor or liquidator, as the case may be, the Board may punish or deal with him in any one or more of the following ways :—

(a) Admonish or reprimand him ;

(b) Require him to pay such amount as the Board shall determine as the costs of and incidental to the inquiry by the Board ;

- (c) Suspend his registration for a period not exceeding one year ;
- (d) Cancel his registration.

(15) The amount of any costs so required to be paid may be recovered in any court of competent jurisdiction as a debt due to the Crown.

(16) Any person aggrieved by any decision of the Board may within three months from the date of his receiving notice thereof appeal to the Court from such decision and thereupon the Court may confirm, vary or reverse the decision and may direct the Board to register any person whom the Board has refused to register.

(17) A person who wilfully gives false evidence in any proceedings before the Board shall be guilty of wilful and corrupt perjury. S.A. s. 371 (14).

(18) Subsections (1) and (6) of this section do not apply to the Auditor-General of the State or of the Commonwealth when acting in the exercise of his powers or the performance of his duties.

10. (1) Subject to this section, a person shall not, except with the leave of the Court, consent to be appointed, and shall not act, as liquidator of a company— Disqualification
of liquidators.
Vic. s. 202 (1).
S.A. ss. 193,
293, 371.
W.A. s. 184.

- (a) if he is not a registered liquidator or a corporation authorized by an Act to act as a liquidator ;
- (b) if he is indebted to the company or to a corporation that is deemed to be related to the company by virtue of subsection (5) of section 6 in an amount exceeding Five hundred pounds ; or
- (c) if he is—
- (i) an officer of the company ;
 - (ii) a partner, employer or employee of an officer of the company ; or
 - (iii) a partner or employee of an employee of an officer of the company.

Penalty : One hundred pounds.

(2) Paragraph (a) of subsection (1) of this section shall not apply to a members' voluntary winding up of an exempt proprietary company and paragraph (c) of that subsection shall not apply—

- (a) to a members' voluntary winding up ; or
- (b) to a creditors' voluntary winding up if, by a resolution carried by a majority of the creditors in number and value present in person or by proxy and voting

at a meeting of which seven days' notice has been given to every creditor stating the object of the meeting, it is determined that that paragraph shall not so apply.

(3) For the purposes of subsection (1) of this section, a person shall be deemed to be an officer of a company if he is an officer of a corporation that is deemed to be related to the company by virtue of subsection (5) of section 6 or has, at any time within the preceding period of twenty-four months, been an officer or promoter of the company or of such a corporation.

(4) A person shall not be appointed as liquidator of a company unless he has prior to such appointment consented in writing to act as such liquidator.

(5) Nothing in this section shall affect any appointment of a liquidator made before the commencement of this Act.

Official
liquidators.
N.S.W. s. 227.
Vic. s. 8.
W.A. s. 196.

11. For the purpose of conducting proceedings in winding up companies and assisting the Court therein, the Minister may from time to time appoint as many registered liquidators as he thinks fit to be official liquidators, and may require of each of them such security for the due fulfilment of his duties as such as is prescribed, and may revoke any appointment so made.

Registers,
records, docu-
ments, returns,
etc.
N.S.W. ss. 369,
378.

Vic. s. 6.
Qsld. ss. 9, 377.
S.A. ss. 316,
320, 324.
W.A. ss. 392,
396, 401.
Tas. s. 7.

Inspection of
register.

12. (1) The Registrar shall, subject to this Act, keep such registers as he considers necessary in such form as he thinks fit.

- (2) Any person may, on payment of the prescribed fee—
- (a) inspect any document filed or lodged with the Registrar;
 - or
 - (b) require a certificate of the incorporation of any company or any other certificate issued under this Act or a copy of or extract from any document kept by the Registrar to be given or certified by the Registrar.

Evidentiary
value of copies
certified by
Registrar.

(3) A copy of or extract from any document filed or lodged at the office of the Registrar certified to be a true copy or extract under the hand and seal of the Registrar shall in any proceedings be admissible in evidence as of equal validity with the original document.

Evidence of
statutory
requirements.

(4) In any legal proceedings a certificate under the hand and seal of the Registrar that a requirement of this Act specified in the certificate—

- (a) had or had not been complied with at a date or within a period specified in the certificate ; or
- (b) had been complied with upon a date specified in the certificate but not before that date,

shall be received as *prima facie* evidence of the matters specified in the certificate.

(5) If the Registrar is of opinion that any document submitted to him—

- (a) contains matter contrary to law ;
- (b) by reason of any omission or misdescription has not been duly completed ;
- (c) does not comply with the requirements of this Act ; or
- (d) contains any error, alteration or erasure,

he may refuse to register or receive the document and request that the document be appropriately amended or completed and resubmitted or that a fresh document be submitted in its place.

(6) Any person aggrieved by the refusal of the Registrar to register any corporation or to register or receive any document or by any other act or decision of the Registrar may appeal to the Court which may confirm the refusal, act or decision or give such directions in the matter as seem proper or otherwise determine the matter, but this subsection shall not apply to any act or decision of the Registrar—

- (a) in respect of which any provision in the nature of an appeal or review is expressly provided in this Act ; or
- (b) which is declared by this Act to be conclusive or final or is embodied in any document declared by this Act to be conclusive evidence of any act, matter or thing.

(7) The Registrar may, if in his opinion it is no longer necessary or desirable to retain them, destroy or give to The Libraries Board of South Australia, subject to the provisions of the Libraries and Institutes Act, 1939, as amended—

(a) in the case of a corporation—

- (i) any return of allotment of shares for cash which has been lodged or filed for not less than two years ;
- (ii) any annual return or balance-sheet that has been lodged or filed for not less than seven years or any document creating or

Appeal.
Destruction,
etc. of old
records.

evidencing a charge or the complete or partial satisfaction of a charge where a memorandum of satisfaction of the charge has been registered for not less than seven years ; or

(iii) any other document (other than the memorandum and articles or any other document affecting them) which has been lodged, filed or registered for not less than fifteen years ; or

(b) in the case of a corporation that has been dissolved or has ceased to be registered for not less than fifteen years, any document lodged filed or registered.

Enforcement
of duty to
make returns.
S.A. s. 320.

(8) If a corporation or person, having made default in complying with—

(a) any provision of this Act or of any other law which requires the lodging or filing in any manner with the Registrar of any return, account or other document or the giving of notice to him on any matter ; or

(b) any request of the Registrar to amend or complete and resubmit any document or to submit a fresh document—

fails to make good the default within fourteen days after the service on the corporation or person of a notice requiring it to be done, the Court or a court of summary jurisdiction may, on an application by any member or creditor of the corporation or by the Registrar, make an order directing the corporation and any officer thereof or such person to make good the default within such time as is specified in the order.

(9) Any such order may provide that all costs of and incidental to the application shall be borne by the corporation or by any officers of the corporation responsible for the default or by such person.

(10) Nothing in this section shall prejudice the operation of any enactment imposing penalties on a corporation or its officers or such person in respect of any such default as aforesaid.

Relodging
of lost
registered
documents.
Vic. s. 7.
S.A. s. 378.
W.A. s. 413.
Tas. s. 9.

13. (1) If, in the case of any corporation incorporated or registered in the State, the memorandum or articles or any other document relating to the corporation filed or lodged with the Registrar has been lost or destroyed, the corporation may apply to the Registrar for leave to lodge a copy of the document as originally filed or lodged.

(2) On such application being made, the Registrar may direct notice thereof to be given to such persons and in such manner as he thinks fit.

(3) The Registrar upon being satisfied—

- (a) that the original document has been lost or destroyed ;
- (b) of the date of the filing or lodging thereof with the Registrar ; and
- (c) that a copy of such document produced to the Registrar is a correct copy,

may certify upon such copy that he is so satisfied and direct that such copy be lodged in the manner required by law in respect of the original.

(4) Upon the lodgment the copy for all purposes shall, from such date as is mentioned in the certificate as the date of the filing or lodging of the original with the Registrar, have the same force and effect as the original.

(5) The Court may, by order upon application by any person aggrieved and after notice to any other person whom the Court directs, confirm, vary or rescind the certificate and the order may be lodged with the Registrar and shall be registered by him, but no payments, contracts, dealings, acts and things made, had or done in good faith before the registration of such order and upon the faith of and in reliance upon the certificate shall be invalidated or affected by such variation or rescission.

(6) No fee shall be payable upon the lodging of a document lodged in pursuance of this section.

PART III.

PART III.

CONSTITUTION OF COMPANIES.

DIVISION I.—INCORPORATION.

DIVISION I.

14. (1) Subject to this Act, any five or more persons or, where the company to be formed will be a proprietary company, any two or more persons associated for any lawful purpose may, by subscribing their names to a memorandum and complying with the requirements of this Act as to registration, form an incorporated company.

Formation of companies.
N.S.W. ss. 8
9.
Vic. s. 12.
Qsld. ss. 12,
13.
S.A. s. 10.
W.A. ss. 11
12.
Tas. s. 12.

s. 14. In *re* RIVERTON SHEEP DIP (1943) S.A.S.R. 344. Held that the object of an association carrying on business of sheep dipping for its members was the acquisition of gain, not by it as a body but by the individual members, and that the association was an association to which section 9 (2) of the Companies Act, 1934, applied.

In *re* PROPRIETARY ARTICLES TRADE ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED (1945) S.A.S.R. 88. Held that a trade protection association of manufacturers, wholesalers and retailers which listed prices to be maintained by the association but which neither traded nor made any profit was not required by section 9 (2) of the Companies Act, 1934, to be registered as a company.

PART III.

DIVISION I.

(2) A company may be—

- (a) a company limited by shares ;
- (b) a company limited by guarantee ;
- (c) a company limited both by shares and guarantee ;
- (d) an unlimited company ; or
- (e) in the case of a mining company, a no-liability company.

Prohibition of unincorporated associations of more than twenty members for gain.

U.K. s. 484.
S.A. s. 9.

(3) No association or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any business which has for its object the acquisition of gain by the association or partnership or the individual members thereof unless it is incorporated under this Act or is formed in pursuance of some other Act or letters patent.

Proprietary company.

U.K. s. 28.
N.S.W. s. 37.
Vic. s. 13.
Qsld., s. 38.
S.A. ss. 37 (1),
40.
W.A. s. 37.
Tas. s. 13.

15. (1) A company having a share capital (other than a no-liability company) may be incorporated as a proprietary company if the company, by its memorandum or articles—

- (a) restricts the right to transfer its shares ;
- (b) limits to not more than fifty the number of its members (counting joint holders of shares as one person and not counting any person in the employment of the company or of its subsidiary or any person who while previously in the employment of the company or of its subsidiary was and thereafter has continued to be a member of the company) ;
- (c) prohibits any invitation to the public to subscribe for any shares in or debentures of the company ; and
- (d) prohibits any invitation to the public to deposit money with the company for fixed periods or payable at call, whether bearing or not bearing interest.

(2) Where, upon the commencement of this Act, neither the memorandum nor the articles of a company that is a proprietary company by virtue of paragraph (a) of the definition of “proprietary company” in subsection (1) of section 5 contain the limitation and prohibitions required by subsection (1) of this section to be included in the memorandum or articles of a company that may be incorporated as a proprietary company, the articles of the company shall, unless altered in accordance with subsection (4) of this section, be deemed to include each such limitation and prohibition that is not so included.

(3) Where a limitation or prohibition deemed to be included in the articles of a company under subsection (2) of this section is inconsistent with any provision already included in the memorandum or articles of the company, that limitation or prohibition shall, to the extent of the inconsistency, prevail.

(4) A proprietary company may, by special resolution, alter any restriction on the right to transfer its shares included in its memorandum or articles or any limitation on the number of its members included in its memorandum or articles or deemed to be included in its articles, but not so that the memorandum and articles of the company cease to include the limitation required by paragraph (b) of subsection (1) of this section to be included in the memorandum or articles of a company that may be incorporated as a proprietary company.

16. (1) Persons desiring the incorporation of a company shall lodge the memorandum and the articles (if any) of the proposed company with the Registrar together with the other documents required to be lodged by or under this Act, and the Registrar, on payment of the appropriate fees, shall, subject to this Act, register the company by registering the memorandum and articles (if any).

Registration and incorporation.
U.K. ss. 12-15, 26.
N.S.W. ss. 27, 28, 30, 36.
Vic. s. 14.
Qsl. ss. 24, 25, 27, 37.
S.A. ss. 23-25, 36.
W.A. ss. 24-26, 36.
Tas. s. 14.

(2) The Registrar may, if he thinks fit, require to be lodged with him a statutory declaration by a qualified legal practitioner engaged in the formation of the company or by a person named in the articles as a director or secretary of the company stating that all or any of the requirements of this Act have been complied with, and the Registrar may accept such a declaration as sufficient evidence of compliance.

Statutory declarations.

(3) On the registration of the memorandum, the Registrar shall certify under his hand and seal that the company is, on and from the date specified in the certificate, incorporated and that the company is—

Certificate of incorporation.

(a) a company limited by shares ;

(b) a company limited by guarantee ;

s. 16. THE TUMBLING WATERS FREEHOLD COMPANY v. JURIET (1874) 8 S.A.L.R. 131; 3 Austn. Digest 696. Where on the faith of a prospectus a person applied for shares in a company and the objects of the company in the memorandum of association differed materially from the objects set out in the prospectus, held under the Companies Act, 1864, that he had not agreed to become a member of the company as constituted by the memorandum of association.

WINN'S GOLD MINING COMPANY (NORTHERN TERRITORY) LIMITED v. WYLD (1874) 8 S.A.L.R. 66. Held under the Companies Act, 1864, that the defendant's application for shares constituted an agreement under which he was liable, and was an authority to put his name on the register of shareholders.

- (c) a company limited both by shares and guarantee ;
- (d) an unlimited company ; or
- (e) a no-liability company,

as the case may be, and where applicable that it is a proprietary company.

Effect of
incorporation.

(4) On and from the date of incorporation specified in the certificate of incorporation, but subject to this Act, the subscribers to the memorandum together with such other persons as may from time to time become members of the company shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company and of suing and being sued and having perpetual succession and a common seal with power to hold land but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is provided by this Act.

Members of
company.

(5) The subscribers to the memorandum shall be deemed to have agreed to become members of the company and on the incorporation of the company shall be entered as members in its register of members, and every other person who agrees to become a member of a company and whose name is entered in its register of members shall be a member of the company.

Membership
of holding
company.
U.K. s. 27.

17. (1) A corporation cannot be a member of a company which is its holding company, and any allotment or transfer of shares in a company to its subsidiary shall be void.

(2) Subsection (1) of this section shall not apply where the subsidiary is concerned as personal representative, or where it is concerned as trustee, unless the holding company or a subsidiary thereof is beneficially interested under the trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business which includes the lending of money.

(3) This section shall not prevent a subsidiary which is, at the commencement of this Act, a member of its holding company, from continuing to be a member but, subject to subsection (2) of this section, the subsidiary shall have no right to vote at meetings of the holding company or any class of members thereof.

(4) This section shall not prevent a subsidiary from continuing to be a member of its holding company if, at the time when it becomes a subsidiary thereof, it already holds shares in that holding company, but—

(a) subject to subsection (2) of this section, the subsidiary shall have no right to vote at meetings of the holding company or any class of members thereof; and

(b) the subsidiary shall within the period of twelve months or such longer period as the Court may allow after becoming the subsidiary of its holding company, dispose of all of its shares in the holding company.

(5) Subject to subsection (2) of this section, subsections (1), (3) and (4) thereof shall apply in relation to a nominee for a corporation which is a subsidiary as if references in those subsections to such a corporation included references to a nominee for it.

(6) In relation to a holding company that is either a company limited by guarantee or an unlimited company, the reference in this section to shares, whether or not it has a share capital, shall be construed as including a reference to the interest of its members as such, whatever the form of that interest.

18. (1) The memorandum of every company shall be printed and divided into numbered paragraphs and dated and shall state, in addition to other requirements—

(a) the name of the company;

(b) the objects of the company;

(c) unless the company is an unlimited company, the amount of share capital (if any) with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(d) if the company is a company limited by shares, that the liability of the members is limited;

(e) if the company is a company limited by guarantee, that the liability of the members is limited and that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member or within one year after he ceases to be a member, for payment of the debts and liabilities of the company contracted before he ceases to be a member and of the costs, charges and expenses of winding up and for adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding a specified amount in addition to the amount (if any) unpaid on any shares held by him;

Requirements
as to memo-
randum.
N.S.W.
ss. 10-13.
Vic. s. 15.
Qsld. ss. 14,
15.
S.A. ss. 11-15.
W.A. ss. 13-15
Tas. s. 15.

PART III.
DIVISION I.

- (f) if the company is an unlimited company, that the liability of the members is unlimited ;
- (g) if the company is a no-liability company, that the acceptance of shares in the company shall not constitute a contract to pay calls in respect of the shares or to make any contribution towards the debts and liabilities of the company ;
- (h) the full names, addresses and occupations of the subscribers thereto ; and
- (i) that such subscribers are desirous of being formed into a company in pursuance of the memorandum and (where the company is to have a share capital) respectively agree to take the number of shares in the capital of the company set out opposite their respective names.

(2) Each subscriber to the memorandum shall, if the company is to have a share capital, in his own handwriting state in words the number of shares (not less than one) that he agrees to take and, whether or not the company is to have a share capital, shall sign the memorandum in the presence of at least one witness (not being another subscriber) who shall attest the signature and add his address.

(3) A statement in the memorandum of a company limited by shares that the liability of members is limited shall mean that the liability of the members is limited to the amount (if any) unpaid on the shares respectively held by them.

DIVISION II.

DIVISION II.—POWERS, ETC.

Powers.
Third
Schedule.
Vic. s. 15.
S.A. s. 35.
W.A. s. 35.
Tas. s. 15.

19. The powers of a company shall include—

- (a) power to make donations for patriotic or for charitable purposes ;
- (b) power to transact any lawful business in aid of the Commonwealth in the prosecution of any war in which the Commonwealth is engaged ; and
- (c) unless inconsistent with or expressly excluded or modified by the memorandum or articles the powers set forth in the Third Schedule.

Ultra vires
transactions.

20. (1) No act of a company (including the entering into of an agreement by the company) and no conveyance or transfer of property, whether real or personal, to or by a company shall

be invalid by reason only of the fact that the company was without capacity or power to do such act or to execute or take such conveyance or transfer.

(2) Any such lack of capacity or power may be asserted or relied upon only in—

(a) proceedings against the company by any member of the company or, where the company has issued debentures secured by a floating charge over all or any of the company's property, by the holder of any of those debentures or the trustees for the holders of those debentures to restrain the doing of any act or acts or the conveyance or transfer of any property to or by the company ;

(b) any proceedings by the company or by any member of the company against the present or former officers of the company ; or

(c) any petition by the Minister to wind up the company.

(3) If the unauthorized act, conveyance or transfers sought to be restrained in any proceedings under paragraph (a) of subsection (2) of this section is being or is to be performed or made pursuant to any contract to which the company is a party, the Court may, if all the parties to the contract are parties to the proceedings and if the Court deems it to be just and equitable, set aside and restrain the performance of the contract and may allow to the company or to the other parties to the contract (as the case requires) compensation for the loss or damage sustained by either of them which may result from the action of the Court in setting aside and restraining the performance of the contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the Court as a loss or damage sustained.

21. (1) The memorandum of a company may be altered to the extent and in the manner provided by this Act but not otherwise.

General provision as to alteration of memorandum.
N.S.W. s. 14.
Vic. s. 16.
Qld. s. 16.
S.A. ss. 16, 68.
W.A. s. 17.
Tas. s. 16.

(2) In addition to observing and, subject to any other provision of this Act, requiring the lodging with the Registrar of any resolution of a company or order of the Court or other document affecting the memorandum of a company, the company shall, within fourteen days after the passing of any such resolution or the making of any such order, lodge with the Registrar a copy of such resolution (together with notice thereof in the prescribed form) or an office copy of such order together with a copy of such other document, if any, and (unless the Registrar dispenses therewith) a printed copy of the memorandum as altered, and if default is made in complying with this

subsection the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(3) The Registrar shall register every resolution, order or other document lodged with him under this Act that affects the memorandum of a company and, where an order is so registered, shall certify the registration of that order.

(4) The certificate of the Registrar referred to in subsection (3) of this section shall be conclusive evidence that all the requirements of this Act with respect to the alteration and any confirmation thereof have been complied with.

(5) Notice of the registration shall be published in such manner (if any) as the Court or the Registrar directs.

(6) The Registrar shall, where appropriate, issue a certificate of incorporation in accordance with the alteration made to the memorandum.

Names of
companies.
U.K. s. 17.
N.S.W. ss. 10,
11, 32, 37, 44.
Vic. s. 17.
Qsld. s. 29.
S.A. ss. 27, 27a,
37 (2).
W.A. s. 28.
Tas. s. 17.

22. (1) Except with the consent of the Minister, a company shall not be registered by a name that, in the opinion of the Registrar, is undesirable or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registration.

(2) The Minister shall cause a direction given by him under subsection (1) of this section to be published in the *Government Gazette* and a copy of the direction to be forwarded to the Attorney-General of the Commonwealth and the Attorney-General of each State of the Commonwealth.

(3) A limited company shall have "Limited" or the abbreviation "Ltd." as part of and at the end of its name.

(4) A no-liability company shall have "No Liability" or the abbreviation "N.L." as part of and at the end of its name.

(5) A proprietary company shall have the word "Proprietary" or the abbreviation "Pty." as part of its name, inserted immediately before the word "Limited" or before the abbreviation "Ltd." or, in the case of an unlimited company, at the end of its name.

(6) No description of a company shall be deemed inadequate or incorrect by reason of the use of—

(a) the abbreviation "Co." or "Coy." in lieu of the word "Company" contained in the name of the company ;

s. 22. S.A. INSURANCE COMPANY (LIMITED) v. S.A. MUTUAL FIRE INSURANCE COMPANY LIMITED (1881) 15 S.A.L.R. 108; 3 Austr. Digest 577. Injunction granted to prevent a company from carrying on business under a name similar to that of an existing company.

- (b) the abbreviation "Pty." in lieu of the word "Proprietary" contained in the name of the company ;
- (c) the abbreviation "Ltd." in lieu of the word "Limited" contained in the name of the company ;
- (d) the symbol "&" in lieu of the word "and" contained in the name of the company ;
- (e) the abbreviation "N.L." in lieu of the words "No Liability" contained in the name of the company ; or
- (f) any of such words in lieu of the corresponding abbreviation or symbol contained in the name of the company.

(7) A person may apply in the prescribed form to the Registrar for the reservation of a name set out in the application as—

- (a) the name of an intended company ;
- (b) the name to which a company proposes to change its name ; or
- (c) the name under which a foreign company proposes to be registered, either originally or on change of name.

(8) If the Registrar is satisfied as to the *bona fides* of the application and that the proposed name is a name by which the intended company, company or foreign company could be registered without contravention of subsection (1) of this section, he shall reserve the proposed name for a period of two months from the date of the lodging of the application.

(9) If, at any time during a period for which a name is reserved, application is made to the Registrar for an extension of that period and the Registrar is satisfied as to the *bona fides* of the application, he may extend that period for a further period of two months.

(10) During a period for which a name is reserved, no company, foreign company, person, firm or society (other than the intended company, company or foreign company in respect of which the name is reserved) shall be registered under this Act or under any other Act, whether originally or on change of name, under the reserved name or under any other name that, in the opinion of the Registrar, so closely resembles the reserved name as to be likely to be mistaken for that name.

(11) The reservation of a name under this section in respect of an intended company, company or foreign company does not in itself entitle the intended company, company or foreign company to be registered by that name, either originally or on change of name.

PART III.

DIVISION II.

Change of name.

U.K. s. 18.
 N.S.W. s. 35.
 Vic. s. 18.
 Qsld. s. 31.
 S.A. s. 29.
 W.A. s. 30.
 Tas. s. 18.

23. (1) A company may by special resolution and with the approval of the Registrar change its name to a name by which the company could be registered without contravention of subsection (1) of section 22.

(2) If the name of a company is (whether through inadvertence or otherwise and whether originally or by change of name) a name by which the company could not be registered without contravention of subsection (1) of section 22, the company may by special resolution change its name to a name by which the company could be registered without contravention of that subsection and, if the Registrar so directs, shall so change it within six weeks after the date of direction or such longer period as the Registrar allows unless the Minister by written notice annuls such direction, and if the company fails to comply with the direction it shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(3) Where the name of a company incorporated pursuant to a previous enactment corresponding with this Act has not been changed since the commencement of this Act, the Registrar shall not, except with the approval of the Minister, exercise his power under subsection (2) of this section to direct the company to change its name.

(4) A change of name pursuant to this Act shall not affect the identity of the company or any rights or obligations of the company or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

24. (1) Where it is proved to the satisfaction of the Minister that a proposed limited company is being formed for the purpose of providing recreation or amusement or promoting commerce, industry, art, science, religion, charity, pension or superannuation schemes or any other object useful to the community, and will apply its profits (if any) or other income in promoting its objects and will prohibit the payment of any dividend to its members, the Minister may (after requiring, if he thinks fit, the proposal to be advertised in such manner as he directs either generally or in a particular case) by licence direct that it be registered as a company with limited liability without the addition of the word "Limited" to its name, and the company may be registered accordingly.

Omission of "Limited" in name of charitable and other companies.

U.K. s. 19.
 N.S.W. s. 34.
 Vic. s. 19.
 Qsld. s. 30.
 S.A. s. 28.
 W.A. s. 29.
 Tas. s. 19.

see (b) for proposal to change name of company.

(2) Where it is proved to the satisfaction of the Minister—

- (a) that the objects of a limited company are restricted to those specified in subsection (1) of this section and to objects incidental or conducive thereto ; and
- (b) that by its constitution the company is required to apply its profits (if any) or other income in promoting its objects and is prohibited from paying any dividend to its members,

the Minister may by licence authorize the company to change its name to a name which does not contain the word “Limited”, being a name approved by the Registrar.

(3) A licence under this section may be issued on such conditions as the Minister thinks fit, and those conditions shall be binding on the company and shall, if the Minister so directs, be inserted in the memorandum or articles of the company and the memorandum or articles may by special resolution be altered to give effect to any such direction.

(4) A company in respect of which a licence has been issued under this section or under any corresponding previous enactment shall, while the licence is in force, be exempted from complying with the provisions of this Act relating to the use of the word “Limited” as any part of its name, and, except where the Minister otherwise directs, the lodging of annual returns and of returns of particulars of directors, managers and secretaries and the publication of accounts.

(5) A licence under this section or under any corresponding previous enactment may at any time be revoked by the Minister and upon revocation the Registrar shall enter the word “Limited” at the end of the name of the company upon the register, and the company shall thereupon cease to enjoy the exemptions and privileges granted by reason of the licence by this Act but before a licence is so revoked the Minister shall give to the company notice in writing of his intention and shall afford it an opportunity to be heard.

25. (1) Subject to this section, an unlimited company may convert to a limited company or a company limited by guarantee may convert to a company limited both by shares and guarantee by passing a special resolution determining so to convert and lodging with the Registrar for registration a copy of the resolution.

Registration of unlimited company as limited, etc.
U.K. s. 18.
N.S.W. s. 31.
Vic. s. 20.
Qld., s. 28.
S.A. s. 26.
W.A. s. 27.
Tas. s. 20.

(2) On the lodging of the copy of the resolution the Registrar shall, subject to this Act—

- (a) register the copy :
- (b) make such endorsements in or alterations to his registers as are necessary to record the effect of the resolution with respect to the conversion ; and

- (c) issue to the company a certificate of incorporation of the company altered to meet the circumstances of the case and cancel the previous certificate of incorporation of the company.

(3) On issuing the certificate of incorporation the Registrar may by notice in writing served on the company dispense with the lodging by the company of any document which had been lodged with him on the occasion of or subsequent to the incorporation of the company.

(4) The conversion shall take effect on the issue of the certificate of incorporation under subsection (2) of this section.

(5) A conversion of a company pursuant to this section shall not affect the identity of the company or any rights or obligations of the company or render defective any legal proceedings by or against the company and any legal proceedings that could have been continued or commenced by or against it prior to such conversion may, notwithstanding the conversion, be continued or commenced by or against it after such conversion.

26. (1) A public company having a share capital (other than a no-liability company) or a private company may convert to a proprietary company by lodging with the Registrar a copy of a special resolution (together with notice thereof in the prescribed form)—

- (a) determining to convert to a proprietary company and specifying an appropriate alteration to its name ; and
- (b) altering the provisions of its memorandum or articles so far as is necessary to impose the restrictions limitations and prohibitions referred to in subsection (1) of section 15.

(2) A proprietary company or a private company may, subject to anything contained in its memorandum or articles, convert to a public company by lodging with the Registrar—

- (a) a copy of a special resolution (together with notice thereof in the prescribed form) determining to convert to a public company and, in the case of the proprietary company, specifying an appropriate alteration to its name ;
- (b) a statement in lieu of prospectus ; and
- (c) a statutory declaration in the prescribed form verifying that paragraph (b) of subsection (2) of section 52 has been complied with,

and thereupon—

- (i) in the case of the proprietary company—such restriction, limitation and prohibitions referred to in subsection

Change from public or private to proprietary company.

N.S.W. s. 37.
Vic. s. 21.
Qsld., ss. 38, 39.
S.A. ss. 37, 38 (3).
W.A. s. 37.
Tas., s. 21.

Change from proprietary or private to public company.

(1) of section 15 as has or have been included or deemed to be included in the memorandum or articles of the proprietary company shall cease to form part of its memorandum or articles ; and

(ii) in the case of the private company—the prohibition and provision referred to in paragraphs (a) and (b) of subsection (1) of section 38 of the repealed Act which were included in the memorandum or articles of the private company shall cease to form part of its memorandum or articles.

(3) On compliance by a company with the provisions of subsection (1) or (2) of this section, the Registrar shall issue, in the prescribed form, a certificate of incorporation of the company altered accordingly and, on the issue of the certificate, the company shall be a proprietary company or a public company (as the case requires).

(4) A conversion of a company pursuant to subsection (1) or subsection (2) of this section shall not affect the identity of the company or any rights or obligations of the company or render defective any legal proceedings by or against the company, and any legal proceedings that could have been continued or commenced by or against it prior to the conversion may notwithstanding any change in the company's name or capacity in consequence of the conversion be continued or commenced by or against it after the conversion.

(5) No fees shall be payable under this Act in respect of a conversion prior to the first day of July, one thousand nine hundred and sixty five of a private company to a proprietary company or a public company.

27. (1) Where, on the application of the Minister or of any member or creditor of the company, the Court is satisfied—

(a) that default has been made in relation to a proprietary company in complying with a prohibition of a kind specified in paragraph (c) or (d) of subsection (1) of section 15 that is included, or is deemed to be included, in the memorandum or articles of the company ; or

(b) that default has been made in relation to a private company in complying with a prohibition of a kind specified in paragraph (a) of subsection (1) of section 38 of the repealed Act that is included in the memorandum or articles of the company,

Default in complying with requirements as to proprietary and private companies.
U.K. s. 29.
N.S.W. ss. 39, 40.
Vic. s. 22.
Qsld. s. 39.
S.A. ss. 41, 42.
W.A. ss. 33, 39.
Tas. s. 22.

the Court may, by order, determine that on such date as the Court specifies in the order, the company ceased to be a proprietary company or a private company, as the case requires.

(2) Where—

- (a) default has been made in relation to a proprietary company in complying with a limitation of a kind specified in paragraph (b) of subsection (1) of section 15 that is included, or is deemed to be included, in the memorandum or articles of the company ;
- (b) a proprietary company or a private company has been convicted of an offence under subsection (7) of this section ;
- (c) the memorandum or articles of a proprietary company have been so altered that they no longer include the restriction, limitation and prohibitions specified in subsection (1) of section 15 ;
- (d) a proprietary company has ceased to have a share capital ; or
- (e) the memorandum or articles of a private company have been so altered that they no longer include the prohibition specified in paragraph (a) of subsection (1) of section 38 of the repealed Act,

the Registrar may by notice served on the company determine that, on such date as is specified in the notice, the company ceased to be a proprietary company or a private company, as the case may be.

(3) Where, under this section, the Court or the Registrar determines that a company has ceased to be a proprietary company or a private company—

- (a) the company shall be a public company and shall be deemed to have been a public company on and from the date specified in the order or notice ;
- (b) the company shall, if the Court or Registrar determines that it has ceased to be a proprietary company, on the date so specified be deemed to have changed its name by the omission from the name of the word “Proprietary” or the abbreviation “Pty.”, as the case requires ; and
- (c) the company shall, within a period of fourteen days after the date of the order or the notice, lodge with the Registrar—
 - (i) a statement in lieu of prospectus ;
 - (ii) a statutory declaration in the prescribed form verifying that paragraph (b) of subsection (2) of section 52 has been complied with ; and
 - (iii) where an order has been made under subsection (1) of this section, an office copy of the order.

(4) Where the Court is satisfied that a default or alteration referred to in subsection (1) or subsection (2) of this section has occurred but that it was accidental or due to inadvertence or to some other sufficient cause or that on other grounds it is just and equitable to grant relief, the Court may, on such terms and conditions as to the Court seem just and expedient, determine that the company has not ceased to be a proprietary company or a private company.

(5) A company that, by virtue of a determination made under this section, has become a public company shall not convert to a proprietary company without the leave of the Court.

(6) If default is made in complying with paragraph (c) of subsection (3) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(7) Where any subscription for shares in or debentures of, or any deposit of money with, a proprietary company or a private company is arranged by or through a solicitor, broker, agent or any other person (whether an officer of the company or not) who by advertisement has invited the public to make use of his services in arranging investments or has held himself out to the public as being in a position to arrange investments, the company and every person, including an officer of the company, who is a party to the arrangement shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(8) Where default is made in relation to a proprietary company in complying with any restriction, limitation or prohibition of a kind specified in subsection (1) of section 15 that is included, or deemed to be included, in the memorandum or articles of the company, or where default is made in relation to a private company in complying with a prohibition of a kind specified in paragraph (a) of subsection (1) of section 38 of the repealed Act that is included in the memorandum or articles of the company, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

28. (1) Subject to this section, a company may by special resolution alter the provisions of its memorandum with respect to the objects of the company.

(2) Where a company proposes to alter its memorandum with respect to the objects of the company, it shall give by post twenty-one days' written notice specifying the intention to

Alterations
of objects in
memo-
randum.

U.K. s. 5.
N.S.W. s. 15.
Vic. s. 23.
Qsl. s. 17.
S.A. s. 17.
W.A. s. 18.
Tas. s. 23.

propose the resolution as a special resolution and to submit it for passing to a meeting of the company to be held on a day specified in the notice.

(3) The notice shall be given to all members, and to all trustees for debenture holders and if there are no trustees for any class of debenture holders to all debenture holders of that class whose names are, at the time of the posting of the notice, known to the company.

(4) The Court may in the case of any person or class of persons, for such reasons as to it seem sufficient, dispense with the notice required by subsection (2) of this section.

(5) If an application for the cancellation of an alteration is made to the Court in accordance with this section by—

(a) the holders of not less in the aggregate than ten per centum in nominal value of the company's issued share capital or any class of that capital or, if the company is not limited by shares, not less than ten per centum of the company's members; or

(b) the holders of not less than ten per centum in nominal value of the company's debentures,

the alteration shall not have effect except so far as it is confirmed by the Court.

(6) The application shall be made within twenty-one days after the date on which the resolution altering the company's objects was passed, and may be made on behalf of the persons entitled to make the application by such one or more of their number as they appoint in writing for the purpose.

(7) On the application the Court—

(a) shall have regard to the rights and interests of the members of the company or of any class of them as well as to the rights and interests of the creditors;

(b) may if it thinks fit adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase (otherwise than by the company) of the interests of dissentient members;

(c) may give such directions and make such orders as it thinks expedient for facilitating or carrying into effect any such arrangement; and

(d) may make an order cancelling the alteration or confirming the alteration either wholly or in part and on such terms and conditions as it thinks fit.

(8) Notwithstanding any other provision of this Act, a copy of a resolution altering the objects of a company shall not be lodged with the Registrar before the expiration of twenty-one

days after the passing of the resolution or, if any application to the Court has been made, before the application has been determined by the Court (whichever is the later).

(9) A copy of the resolution (together with notice thereof in the prescribed form) shall be lodged with the Registrar by the company within fourteen days after the expiration of the twenty-one days referred to in subsection (8) of this section, but if an application has been made to the Court in accordance with this section the copy and notice shall be lodged with the Registrar together with an office copy of the order of the Court within fourteen days after the application has been determined by the Court.

29. (1) There may, in the case of a company limited by shares or a no-liability company, and there shall, in the case of a company limited by guarantee or limited both by shares and guarantee or an unlimited company, be registered with the memorandum, articles signed by the subscribers to the memorandum prescribing regulations for the company.

Articles of
association.
U.K. ss. 6, 7,
N.S.W. ss. 16,
17, 19.
Vic. s. 24.
Qsld. ss. 18,
19, 21.
S.A. ss. 18,
20.
W.A. ss. 19,
20.
Tas. s. 24.

(2) Articles shall be—

- (a) printed ;
- (b) divided into numbered paragraphs ; and
- (c) signed by each subscriber to the memorandum in the presence of at least one witness (not being another subscriber) who must attest the signature and add his address.

(3) In the case of an unlimited company the articles, if the company has a share capital, shall state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount.

(4) In the case of an unlimited company or a company limited by guarantee or a company limited both by shares and guarantee the articles shall state the number of members with which the company proposes to be registered.

(5) Where a company to which subsection (4) of this section applies increases the number of its members beyond the registered number it shall within one month after the increase was resolved on or took place, lodge with the Registrar notice of the increase.

(6) Every company which makes default in complying with subsection (5) of this section and every officer of the company who is in default in complying with that subsection shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

PART III.

DIVISION II.

Adoption of
Table A or B
of Fourth
Schedule.

U.K. s. 8.
N.S.W.
ss. 18, 44.
Vic. s. 25.
Qsld. s. 20.
S.A. ss. 18, 19.
W.A. ss. 19,
20.
Tas. s. 25.

30. (1) Articles may adopt all or any of the regulations contained in Table A or, in the case of a no-liability company, in Table B.

(2) In the case of a company limited by shares incorporated after the commencement of this Act, if articles are not registered, or if articles are registered then in so far as the articles do not exclude or modify the regulations contained in Table A, those regulations shall so far as applicable be the articles of the company in the same manner and to the same extent as if they were contained in registered articles.

(3) In the case of a no-liability company incorporated after the commencement of this Act, if articles are not registered or if articles are registered then in so far as the articles do not exclude or modify the regulations contained in Table B, those regulations shall so far as applicable be the articles of the company in the same manner and to the same extent as if they were contained in registered articles.

Table B.

Alteration of
articles.

U.K. s. 10.
N.S.W. s. 20.
Vic. s. 26.
Qsld. s. 22.
S.A. s. 21.
W.A. s. 22.
Tas. s. 26.

31. (1) Subject to this Act and to any conditions in its memorandum, a company may by special resolution alter or add to its articles.

(2) Any alteration or addition so made in the articles shall, subject to this Act, on and from the date of the special resolution or such later date as is specified in the resolution, be as valid as if originally contained therein and be subject in like manner to alteration by special resolution.

(3) Subject to this section, any company shall have the power, and shall be deemed always to have had the power, to amend its articles by the adoption of all or any of the regulations contained in Table A, or in the case of a no-liability company, contained in Table B, by reference only to the regulations in the Table or to the numbers of particular regulations contained therein, without being required in the special resolution effecting the amendment to set out the text of the regulations so adopted.

As to memo-
randum and
articles of
companies
limited by
guarantee.

U.K. s. 21.
N.S.W. s. 23.
Qsld. s. 33.
Vic. s. 27.
S.A. s. 31.
Tas. s. 27.

32. (1) In the case of a company limited by guarantee and not having a share capital and registered after the first day of March one thousand nine hundred and thirty-five, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

s. 31. In *re* ADELAIDE, UNLEY, AND MITCHAM TRAMWAY CO., LTD., in liquidation (1907) S.A.L.R. 35; 3 Austn. Digest 614. Held, that alterations made to the articles of association for the purpose of providing that in winding up, the surplus assets should be distributed on the basis of the amounts subscribed by shareholders instead of the number of shares held, were valid.

(2) For the purposes of the provisions of this Act relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles or in any resolution of a company limited by guarantee and registered on or after the date aforesaid purporting to divide the undertaking of the company into shares or interests shall be treated as a provision for a share capital notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

33. (1) Subject to this Act, the memorandum and articles of a company shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed and sealed by each member and contained covenants on the part of each member to observe all the provisions of the memorandum and of the articles.

Effect of memorandum and articles.

U.K. ss. 20, 22.
N.S.W. ss. 22, 24.
Vic. s. 28.
Qsld. ss. 32, 34.
S.A. ss. 30, 32.
W.A. ss. 31, 32.
Tas. s. 28.

(2) Subject to the provisions of this Act relating to no-liability companies, all money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company, and shall be of the nature of a specialty debt.

(3) Notwithstanding anything in the memorandum or articles of a company, no member of the company, unless either before or after the alteration is made he agrees in writing to be bound thereby, shall be bound by an alteration made in the memorandum or articles after the date on which he became a member so far as the alteration requires him to take or subscribe for more shares than the number held by him at the date on which the alteration is made or in any way increases his liability as at that date to contribute to the share capital of, or otherwise to pay money to, the company.

As to effect of alterations on members who do not consent.

- s. 33. *AYERS v. SOUTH AUSTRALIAN BANKING Co.* (1871) L.R. 3 P.C. 548; 7 Moo P.C. (N.S.) 432; 40 L.J.P.C. 22; 19 W.R. 860; 17 E.R. 163; 3 Austn. Digest 584. A clause in the charter of a company forbidding it to lend money on the security of merchandise, does not prevent property in goods on land passing under an instrument which would in ordinary circumstances pass it.
- BANK OF SOUTH AUSTRALIA v. ABRAHAMS* (1875) L.R. 6 P.C. 265; 44 L.J.P.C. 76; 32 L.T. 277; 23 W.R. 668; 9 S.A.L.R. 246; 3 Austn. Digest 559. A power in the deed of settlement of a company authorizing the directors to mortgage or charge the property of the company does not authorize them to mortgage or charge future calls.
- Re DEVON CONSOLS MINING COMPANY LIMITED; Ex parte WOOD* (1878) 12 S.A.L.R. 167; 3 Austn. Digest 606; affirmed by *DEVON CONSOLS MINING Co. v. WOOD* (1879) 13 S.A.L.R. 40; 3 Austn. Digest 729. A company cannot alter the provisions of its memorandum as to capital except in manner prescribed by the Act. Provisions in the articles inconsistent with the memorandum are void.
- ACRAMAN v. SOUTH AUSTRALIAN GAS COMPANY* (1910) S.A.L.R. 59; 16 A.L.R. (C.N.) 5; 3 Austn. Digest 723. Unless the constitution of a company so provides or the shareholder consents, a dividend can only be forwarded by post in the form of a dividend warrant, at the risk of the company.
- STUART v. STOCK EXCHANGE OF ADELAIDE LIMITED* (1914) S.A.L.R. 120; 3 Austn. Digest 745. A provision in the articles of a company that the share of a member is to be forfeited on his insolvency is void as a fraud on the insolvency law.
- In re F. H. RING & Co. LIMITED* (1924) S.A.S.R. 138; 3 Austn. Digest 643. Observations as to the basis of membership of a company.

PART III.

DIVISION II.

Copies of memorandum and articles.
 U.K. ss. 24, 25.
 N.S.W. ss. 25, 26.
 Vic. s. 29.
 Qsld. ss. 35, 36.
 S.A. ss. 33, 34.
 W.A. ss. 33, 34.
 Tas. s. 29.

34. (1) A company shall, on being so required by any member, send to him a copy of the memorandum and of the articles (if any) of the company subject to payment of one pound or the cost thereof, whichever is the less.

(2) Where an alteration is made in the memorandum or articles of a company, a copy of the memorandum or articles shall not be issued by the company after the date of alteration unless—

- (a) the copy is in accordance with the alteration ; or
- (b) a printed copy of the order or resolution making the alteration is annexed to the copy of the memorandum or articles and the particular clauses or articles affected are indicated in ink.

(3) Where an agreement required to be lodged with the Registrar under section 146 affects the memorandum or articles of a company, a copy of the memorandum or articles shall not be issued by the company after the agreement is entered into unless a copy of the agreement is annexed to the copy of the memorandum or articles.

(4) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Ten pounds.

Form of contracts.

U.K.
 ss. 32-36.
 N.S.W.
 ss. 343, 351, 352.
 Vic. s. 30.
 Qsld. ss. 41, 43-45.
 S.A. ss. 44, 46-48.
 W.A. ss. 41-45.
 Tas. s. 111.

35. (1) Contracts on behalf of a company may be made as follows :—

- (a) a contract which, if made between private persons, would be by law required to be in writing under seal may be made on behalf of the company in writing under the common seal of the company ;
- (b) a contract which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith may be made on behalf of the company in writing signed by any person acting under its authority express or implied ;
- (c) a contract which, if made between private persons, would by law be valid although made by parol only (and not reduced into writing) may be made by parol on behalf of the company by any person acting under its authority express or implied,

and any contract so made shall be effectual in law and shall bind the company and its successors and all other parties thereto and may be varied or discharged in the manner in which it is authorized to be made.

(2) A document or proceeding requiring authentication by a company may be signed by an authorized officer of the company and need not be under its common seal.

Authenti-
cation of
documents.

(3) A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matter, as its agent or attorney to execute deeds on its behalf and a deed signed by such an agent or attorney on behalf of the company and under his seal, or, subject to subsection (5) of this section, under the appropriate official seal of the company shall bind the company and have the same effect as if it were under its common seal.

Execution
of deeds.

(4) The authority of any such agent or attorney shall, as between the company and any person dealing with him, continue during the period (if any) mentioned in the instrument conferring the authority, or if no period is there mentioned, until notice of the revocation or determination of his authority has been given to the person dealing with him.

(5) A company whose objects require or comprise the transaction of business outside the State may, if authorized by its articles, have for use in any place outside the State an official seal, which shall be a facsimile of the common seal of the company with the addition on its face of the name of every place where it is to be used, and the person affixing any such official seal shall, in writing under his hand, certify on the instrument to which it is affixed the date on which and the place at which it is affixed.

Official seal for
use abroad.

36. If at any time the number of members of a company is reduced, in the case of a proprietary company or a private company (other than a proprietary company or private company the whole of the issued shares of which are held by a holding company that is a public company under this Act or under the law of any other State or Territory of the Commonwealth), below two, or in the case of any company other than a proprietary company or a private company, below five, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months and is cognizant of the fact that it is carrying on business with fewer than two or five members (as the case may be) shall be severally liable for the payment of the whole debts of the company contracted during the time that it so carries on business after those six months and may be severally sued therefor, and the company and every such member shall be guilty of an offence against this Act if the company so carries on business after those six months.

Prohibition of
carrying on
business with
fewer than
statutory
minimum of
members.

U.K. s. 31.
N.S.W. s. 347.
Vic. s. 31.
Qsld. s. 40.
S.A. s. 43.
W.A. s. 40.
Tas. s. 30.

Penalty : Fifty pounds. Default penalty.

PART IV.
DIVISION I.

PART IV.
SHARES, DEBENTURES AND CHARGES.

DIVISION I.—PROSPECTUSES.

Requirement to issue form of application for shares or debentures with a prospectus.

U.K. s. 38 (3), (5).
N.S.W. s. 137.
Vic. s. 32.
Qslid. ss. 46, 47.
S.A. ss. 50(3), 366.
W.A. s. 47.
Tas. s. 31.

37. (1) A person shall not issue, circulate or distribute any form of application for shares in or debentures of a corporation or proposed corporation unless the form is issued circulated or distributed together with a prospectus a copy of which has been registered by the Registrar.

Penalty: One thousand pounds.

(2) Subsection (1) of this section shall not apply if the form of application is issued, circulated or distributed in connection with shares or debentures which are not offered to the public but otherwise that subsection shall apply to any such form of application whether issued, circulated or distributed on or with reference to the formation of a corporation or subsequently.

As to invitations to the public to deposit money with companies.

Vic. s. 36.
N.S.W. s. 137A.
Qslid. s. 47A.
Tas. s. 35.

38. (1) No invitation to the public to deposit money with, or to lend money to, any corporation shall be made unless a debenture is intended to be issued in respect of every such deposit or loan and a debenture shall as soon as practicable be issued in respect of every such deposit or loan.

(2) Where an invitation is made to the public to deposit money with or lend money to any corporation and such deposit or loan is not to be secured by a charge over all or any of the corporation's assets, the invitation shall legibly and prominently state that the document to be issued acknowledging the deposit or loan of money made pursuant to the invitation is to be an unsecured note or an unsecured deposit note, as the case may be, and shall not state that such document is to be a debenture.

(3) Where any document is issued by a corporation (being one of a series of such documents) which either expressly or by implication acknowledges the indebtedness of the corporation in respect of money borrowed by it, and the debt is not secured by a charge over all or any of the corporation's assets, the document shall be described as an unsecured note or as an unsecured deposit note and shall not be described as a debenture.

(4) Nothing in this section shall apply to a prescribed corporation and nothing in this Act shall require a prospectus to be issued in connection with any invitation to the public to deposit money with a prescribed corporation.

(5) In subsection (4) of this section, "prescribed corporation" means—

(a) a banking corporation ;

(b) a corporation that is declared by the Governor by notice in the *Government Gazette* to be an authorized dealer in the short term money market ; or

(c) a corporation that—

(i) is a pastoral company in respect of which an exemption granted under section 11 of the *Banking Act* 1959 of the Commonwealth, or that Act as amended from time to time, is in force ; or

(ii) is registered under a law of the Commonwealth relating to life insurance or is a corporation the whole of the issued shares of which are held beneficially by a corporation so registered ; or

(iii) is a subsidiary of a banking corporation or of a pastoral company referred to in subparagraph (i) of this paragraph, the whole of the issued shares of which subsidiary are held beneficially by the banking corporation or the pastoral company, as the case may be, and the repayment of all existing and future deposits with and loans to which subsidiary are guaranteed by the banking corporation or pastoral company,

and is declared by the Governor by notice in the *Government Gazette* to be a prescribed corporation for the purposes of this section.

(6) The Governor may, by notice in the *Government Gazette*—

(a) specify terms and conditions subject to which subsection (4) of this section shall have effect in relation to a corporation specified in paragraph (c) of subsection (5) of this section ; or

(b) vary or revoke any declaration or specification made under this section.

(7) Every corporation which contravenes this section and every officer of a corporation who is in default under this section shall be guilty of an offence against this Act.

Penalty : One thousand pounds.

39. (1) To comply with the requirements of this Act a prospectus—

(a) shall be printed in type of a size not less than the type known as eight point Times unless the Registrar, before the issuing, advertising, circulating or distributing of the prospectus in the State, certifies in writing, that the type and size of letters are legible and satisfactory ;

Contents of prospectuses.
Fifth Schedule.
U.K. ss. 37, 38.
N.S.W. ss. 136-137.
Vic. ss. 37, 303 (1).
Qld. ss. 46, 47.
S.A. ss. 49, 50 (4), (6), 367.
W.A. ss. 46-47
Tas. s. 36.

- (b) shall be dated and that date shall, unless the contrary is proved, be taken as the date of issue of the prospectus ;
- (c) shall as to one copy be lodged with the Registrar as required by this Act and shall state that a copy of the prospectus has been so lodged and shall also state immediately after such statement that the Registrar takes no responsibility as to its contents ;
- (d) shall subject to the provisions contained in Part III of the Fifth Schedule state the matters specified in Part I of that Schedule and set out the reports specified in Part II of that Schedule ;
- (e) shall, where the persons making any report specified in Part II of that Schedule have made therein, or have, without giving the reasons, indicated therein, any such adjustments as are mentioned in paragraph 31 of that Schedule, have endorsed thereon or attached thereto, a statement by those persons setting out the adjustments and giving the reasons therefor ;
- (f) shall contain a statement that no shares or debentures or that no shares and debentures (as the case requires) shall be allotted on the basis of the prospectus later than six months after the date of the issue of the prospectus ;
- (g) shall, if it contains any statement made by an expert or contained in what purports to be a copy of or extract from a report, memorandum or valuation of an expert, state the date on which the statement, report, memorandum or valuation was made and whether or not it was prepared by the expert for incorporation in the prospectus ;
- (h) shall not contain the name of any person as a trustee for holders of debentures or as an auditor or a banker or a solicitor or a stock broker or share broker of the corporation or proposed corporation or for or in relation to the issue or proposed issue of shares or debentures unless that person has consented in writing before the issue of the prospectus to act in that capacity in relation to the prospectus and, in the case of a company or proposed company, a copy of the consent verified as prescribed has been lodged with the Registrar ; and
- (i) shall, where the prospectus offers shares in or debentures of a foreign company incorporated or to be incorporated, in addition, contain particulars with respect to—

- (i) the instrument constituting or defining the constitution of the company ;
- (ii) the enactments or provisions having the force of an enactment by or under which the incorporation of the company was effected or is to be effected ;
- (iii) an address in the State where such instrument, enactments or provisions or certified copies thereof may be inspected ;
- (iv) the date on which and the place where the company was or is to be incorporated ; and
- (v) whether the company has established a place of business in the State and, if so, the address of its principal office in the State.

(2) Sub-paragraphs (i), (ii) and (iii) of paragraph (i) subsection (1) of this section shall not apply in the case of a prospectus issued more than two years after the day on which the company is entitled to commence business and in the application to a foreign company of Part I of the Fifth Schedule for the purposes of that subsection, paragraph 2 of that Part of that Schedule shall have effect as if a reference to the constitution of the company were substituted for the reference to the articles.

(3) A condition requiring or binding an applicant for shares in or debentures of a corporation to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract document or matter not specifically referred to in the prospectus shall be void.

(4) Where a prospectus relating to any shares in or debentures of a corporation is issued and the prospectus does not comply with the requirements of this Act, each director of the corporation and other person responsible for the prospectus shall be guilty of an offence against this Act.

Penalty : One thousand pounds.

(5) In the event of non-compliance with or contravention of any of the requirements set out in this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance or contravention, if—

- (a) as regards any matter not disclosed, he proves that he was not cognizant thereof ;
- (b) he proves that the non-compliance or contravention arose from an honest mistake on his part concerning the facts ; or
- (c) the non-compliance or contravention was in respect of matter which, in the opinion of the court dealing with the case, was immaterial or was otherwise

such as ought, in the opinion of that court, having regard to all the circumstances of the case, reasonably to be excused.

(6) In the event of failure to include in a prospectus a statement with respect to the matters specified in paragraph 17 of the Fifth Schedule no director or other person shall incur any liability in respect of the failure unless it is proved that he had knowledge of the matters not disclosed.

(7) Nothing in this section shall limit or diminish any liability which any person may incur under any rule of law or any enactment or under this Act apart from subsection (4) of this section.

Certain advertisements deemed to be prospectuses.
Sth. Africa No. 46 of 1952, s. 56 (3) (c).
N.S.W. s. 138.
Vic. s. 37 (4).
Qsld. s. 47c.
Tas. s. 36 (6).
Cf. S.A. s. 51.

40. (1) Every advertisement offering or calling attention to an offer or intended offer of shares in or debentures of a corporation or proposed corporation to the public for subscription or purchase shall be deemed to be a prospectus (and all enactments and rules of law as to the contents of prospectuses and as to liability in respect of statements in and omissions from prospectuses or otherwise relating to prospectuses shall apply and have effect accordingly) if it contains any information or matter other than the following :—

- (a) the number and description of the shares or debentures concerned ;
- (b) the name and date of registration of the corporation and its paid up share capital ;
- (c) the general nature of the main business or proposed main business of the corporation ;
- (d) the names, addresses and occupations of—
 - (i) the directors or proposed directors ;
 - (ii) the brokers or underwriters to the issue; and
 - (iii) in the case of debentures, the trustee for the debenture holders ;
- (e) the name of the Stock Exchange of which the brokers or underwriters to the issue are members ; and
- (f) particulars of the opening and closing dates of the offer and the time and place at which copies of the full prospectus and forms of application for the shares or debentures may be obtained,

or if it does not state that applications for shares or debentures will proceed only on one of the forms of application referred to in, and attached to, a printed copy of the prospectus.

(2) No statement that, or to the effect that, the advertisement is not a prospectus shall affect the operation of this section.

(3) This section shall apply to advertisements published or disseminated in the State by newspaper, broadcasting, television, cinematograph or any other means whatsoever.

(4) Where an advertisement that is deemed to be a prospectus by virtue of subsection (1) of this section does not comply with the requirements of this Act as to prospectuses, the person who published or disseminated the advertisement, and every officer of the corporation concerned, or other person, who knowingly authorized or permitted the publication or dissemination, shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(5) For the purposes of this section where—

(a) an advertisement offering or calling attention to an offer or intended offer of shares in or debentures of a corporation or proposed corporation to the public for subscription or purchase is published or disseminated ; and

(b) the person who published or disseminated the advertisement before so doing, obtained a certificate signed by at least two directors of the corporation, or two proposed directors of the proposed corporation, that the proposed advertisement is an advertisement that will not be deemed to be a prospectus by virtue of subsection (1) of this section,

the corporation and each person who signed the certificate shall be deemed to be the persons who published or disseminated the advertisement and who knowingly authorized or permitted its publication or dissemination, but no other person shall be deemed to be such a person.

(6) Any person who has obtained a certificate referred to in paragraph (b) of subsection (5) of this section shall, when so requested by the Registrar, forthwith deliver the certificate to the Registrar.

Penalty : Five hundred pounds. Default penalty.

(7) Nothing in this section shall limit or diminish any liability which any person may incur under any rule of law or under any provision of this Act apart from this section.

(8) It shall be a defence to any charge brought under subsection (4) of this section if the defendant proves that he did not know, and that by the exercise of reasonable diligence he could not become aware, that the advertisement concerned did not comply with the requirements of this Act as to prospectuses.

(9) Proceedings for any offence against this section shall not be taken without the written consent of the Minister.

PART IV.

DIVISION I.

As to retention
of over-
subscriptions
in debenture
issues.

41. (1) A corporation shall not accept or retain subscriptions to a debenture issue in excess of the amount of the issue as disclosed in the prospectus unless the corporation has specified in the prospectus—

- (a) that it expressly reserves the right to accept or retain over-subscriptions ; and
- (b) a limit on the amount of over-subscriptions that may be accepted or retained.

As to state-
ment of asset-
backing.

(2) Where a corporation specifies in a prospectus relating to a debenture issue that it reserves the right to accept or retain over-subscriptions—

- (a) the corporation shall not make, authorize or permit any statement or reference as to the asset-backing for the issue to be made or contained in any prospectus relating to the issue, other than a statement or reference to the total assets and the total liabilities of the corporation ; and
- (b) the prospectus shall contain a statement or reference as to what the total assets and total liabilities of the corporation would be if over-subscriptions to the limit specified in the prospectus were accepted or retained.

(3) If default is made in complying with any provision of this section, the corporation and every officer of the corporation who is in default shall be guilty of an offence against this Act. Penalty : One thousand pounds.

Registration
of prospectus.
U.K. s. 41.
N.S.W. s. 136.
Vic. s. 38.
Qld. s. 46.
S.A. s. 49.
W.A. ss. 46,
47.
Tas. s. 37.

42. (1) A prospectus shall not be issued, circulated or distributed by any person unless a copy thereof has first been registered by the Registrar.

(2) The Registrar shall not register a copy of any prospectus unless—

- (a) the copy, signed by every director and by every person who is named therein as a proposed director of the corporation or by his agent authorized in writing, is lodged with the Registrar on or before the date of its issue ;
- (b) the prospectus appears to comply with the requirements of this Act or the Registrar is satisfied, if the corporation is a foreign company incorporated in another State or Territory of the Commonwealth, that—

- (i) the prospectus has been registered or is acceptable for registration by the Registrar of Companies in that other State or Territory ; and

(ii) the prospectus complies with the requirements of paragraph (i) of subsection (1) of section 39; and

(c) there are also lodged with the Registrar copies verified as prescribed of any consents required by section 45 to the issue of the prospectus and of all material contracts referred to in the prospectus or, in the case of such a contract not reduced into writing, a memorandum giving full particulars thereof verified as prescribed.

(3) If a prospectus is issued without a copy thereof having been so registered the corporation and every person who is knowingly a party to the issue of the prospectus shall be guilty of an offence against this Act.

Penalty: Two hundred and fifty pounds.

(4) Every corporation shall cause a true copy of every document referred to in paragraph (c) of subsection (2) of this section to be deposited within seven days after registration of the prospectus at the registered office of the corporation in the State and if it has no registered office in the State at the address in the State specified in the prospectus for that purpose and shall keep each such copy, for a period of at least six months after the registration of the prospectus, for the inspection of the members and creditors of the corporation without fee.

Copy of contracts, etc., to be kept for inspection at registered office.

43. (1) Where a corporation allots or agrees to allot to any person any shares in or debentures of the corporation with a view to all or any of them being offered for sale to the public, any document by which the offer for sale to the public is made shall for all purposes be deemed to be a prospectus issued by the corporation, and all enactments and rules of law as to the contents of prospectuses and to liability in respect of statements and non-disclosures in prospectuses, or otherwise relating to prospectuses, shall apply and have effect accordingly as if the shares or debentures had been offered to the public and as if persons accepting the offer in respect of any shares or debentures were subscribers therefor but without prejudice to the liability, if any, of the persons by whom the offer is made, in respect of statements or non-disclosures in the document or otherwise.

Document containing offer of shares for sale to be deemed prospectus.
U.K. s. 45.
N.S.W. s. 141.
Vic. s. 39.
Qld. s. 50.
S.A. s. 54.
W.A. s. 51.
Tas. s. 38.

(2) For the purposes of this Act it shall, unless the contrary is proved, be evidence that an allotment of, or an agreement to allot, shares or debentures was made with a view to the shares or debentures being offered for sale to the public if it is shown—

(a) that an offer of the shares or debentures or of any of them for sale to the public was made within six months after the allotment or agreement to allot; or

(b) that at the date when the offer was made the whole consideration to be received by the corporation in respect of the shares or debentures had not been so received.

(3) The requirements of this Division as to prospectuses shall have effect as though the persons making an offer to which this section relates were persons named in a prospectus as directors of a corporation.

(4) In addition to complying with the other requirements of this Division the document making the offer shall state—

(a) the net amount of the consideration received or to be received by the corporation in respect of shares or debentures to which the offer relates ; and

(b) the place and time at which the contract under which the shares or debentures have been or are to be allotted may be inspected.

(5) Where an offer to which this section relates is made by a corporation or a firm, it shall be sufficient if the document referred to in subsection (1) of this section is signed on behalf of the corporation or firm by two directors of the corporation or not less than half of the members of the firm, as the case may be, and any such director or member may sign by his agent authorized in writing.

Allotment of shares and debentures where prospectus indicates application to list on Stock Exchange.

U.K. s. 51.
Vic. s. 40.
Tas. s. 39.

44. (1) Where a prospectus states or implies that application has been or will be made for permission for the shares in or debentures of a corporation offered thereby to be listed for quotation on the official list of any Stock Exchange, any allotment made on an application in pursuance of the prospectus shall, subject to subsection (3) of this section, whenever made, be void if—

(a) the permission is not applied for in the form for the time being required by the Stock Exchange before the third day on which the Stock Exchange is open after the date of issue of the prospectus ; or

(b) the permission is not granted before the expiration of six weeks from the date of the issue of the prospectus or such longer period not exceeding twelve weeks from the date of the issue as is, within the said six weeks, notified to the applicant by or on behalf of the Stock Exchange.

(2) Where the permission has not been applied for, or has not been granted as aforesaid, the corporation shall, subject to subsection (3) of this section, forthwith repay without interest all money received from applicants in pursuance of the prospectus, and if any such money is not repaid within fourteen

days after the corporation so becomes liable to repay it, then in addition to the liability of the corporation the directors of the corporation shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of such fourteen days.

(3) Where in relation to any shares or debentures—

- (a) permission is not applied for as specified in paragraph (a) of subsection (1) of this section ; or
- (b) permission is not granted as specified in paragraph (b) of that subsection,

the Minister may by notice published in the *Government Gazette* on the application of the corporation, made before any share or debenture purports to be allotted, exempt the allotment of the shares or debentures from the operation of this section.

(4) A director shall not be liable under subsection (2) of this section if he proves that the default in the repayment of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section or purporting to do so shall be void.

(6) Without limiting the application of any of its provisions, this section shall have effect—

- (a) in relation to any shares or debentures agreed to be taken by a person underwriting an offer thereof contained in a prospectus, as if he had applied therefor in pursuance of the prospectus ; and
- (b) in relation to a prospectus offering shares for sale, as if—
 - (i) a reference to sale were substituted for a reference to allotment ;
 - (ii) the persons by whom the offer is made, and not the corporation, were liable under subsection (2) of this section to repay money received from applicants, and references to the corporation's liability under that subsection were construed accordingly ; and
 - (iii) for the reference in subsection (7) of this section to the corporation and every officer of the corporation who is in default

there were substituted a reference to any person by or through whom the offer is made and who knowingly and wilfully authorizes or permits the default.

(7) All money received as aforesaid shall be kept in a separate bank account so long as the corporation may become liable to repay it under subsection (2) of this section ; and if default is made in complying with this subsection, the corporation and every officer of the corporation who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(8) Where the Stock Exchange has, within the period of six weeks referred to in paragraph (b) of subsection (1) of this section or, where a longer period is applicable under that paragraph, within that longer period, granted permission subject to compliance with any requirements specified by the Stock Exchange, permission shall be deemed to have been granted by the Stock Exchange if the directors have given to the Stock Exchange an undertaking in writing to comply with those requirements, but, if any such undertaking is not complied with (except in relation to any requirement of the Stock Exchange made after the undertaking was given), each director who is in default shall be guilty of an offence against this Act.

Penalty : Imprisonment for three months or five hundred pounds.

(9) A person shall not issue a prospectus inviting persons to subscribe for shares in or debentures of a corporation if it includes—

- (a) an untrue statement that permission has been granted for those shares or debentures to be dealt in or quoted or listed on any Stock Exchange ; or
- (b) any statement in any way referring to any such permission or to any application or intended application for any such permission, or to dealing in or quoting or listing the shares or debentures on any Stock Exchange, or to any requirements of a Stock Exchange unless that statement is or is to the effect that such permission has been granted or that such application has been made to the Stock Exchange or will be made to the Stock Exchange within three days of the issue of the prospectus.

Penalty : Imprisonment for six months or five hundred pounds.

(10) Where a prospectus contains a statement to the effect that the memorandum and articles of the corporation comply or have been drawn so as to comply with the requirements of any Stock Exchange, the prospectus shall, unless the contrary intention appears from the prospectus, be deemed for the

purposes of this section to imply that application has been, or will be, made for permission for the shares or debentures offered by the prospectus to be listed for quotation on the official list of the Stock Exchange.

45. (1) A prospectus inviting subscription for, or purchase of, shares in or debentures of a corporation and including a statement purporting to be made by an expert or to be based on a statement made by an expert shall not be issued unless—

Expert's consent to issue of prospectus containing statement by him.

U.K. s. 40.
Vic. s. 41.
Tas. s. 40.

(a) he has given, and has not before delivery of a copy of the prospectus for registration withdrawn, his written consent to the issue thereof with the statement included in the form and context in which it is included ; and

(b) there appears in the prospectus a statement that he has given and has not withdrawn his consent.

(2) If any prospectus is issued in contravention of this section the corporation and every person who is knowingly a party to the issue thereof shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

46. (1) Subject to this section, each of the following persons shall be liable to pay compensation to all persons who subscribe for or purchase any shares or debentures on the faith of a prospectus for any loss or damage sustained by reason of any untrue statement therein, or by reason of the wilful non-disclosure therein of any matter of which he had knowledge and which he knew to be material, that is to say, every person who—

Civil liability for mis-statements in prospectus.

U.K. s. 43.
N.S.W. s. 140.
Vic. s. 42.
Qsld. s. 49.
S.A. s. 53.
W.A. s. 50.
Tas. s. 41.

(a) is a director of the corporation at the time of the issue of the prospectus ;

(b) authorized or caused himself to be named, and is named, in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time ;

(c) is a promoter of the corporation ; or

(d) authorized or caused the issue of the prospectus.

(2) Notwithstanding anything in subsection (1) of this section, where the consent of an expert is required to the issue of a prospectus and he has given that consent, he shall not, by reason only thereof, be liable as a person who has authorized or caused the issue of the prospectus except in respect of an untrue statement purporting to be made by him as an expert, and the

inclusion in the prospectus of a name of a person as a trustee for debenture holders, auditor, banker, solicitor or stock or share broker shall not, for that reason alone, be construed as an authorization by such person of the issue of the prospectus.

(3) No person shall be liable under subsection (1) of this section if he proves—

- (a) that, having consented to become a director of the corporation, he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent ;
- (b) that the prospectus was issued without his knowledge or consent and he gave reasonable public notice thereof forthwith after he became aware of its issue ;
- (c) that, after the issue of the prospectus and before allotment or sale thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent and gave reasonable public notice of the withdrawal and of the reason therefor ; or
- (d) that—
 - (i) as regards every untrue statement, not purporting to be made on the authority of an expert or of a public official document or statement, he had reasonable ground to believe, and did up to the time of the allotment or sale of the shares or debentures believe, that the statement was true ;
 - (ii) as regards every untrue statement purporting to be a statement made by an expert or to be based on a statement made by an expert or contained in what purports to be a copy of or extract from a report or valuation of an expert, it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, and he had reasonable ground to believe and did up to the time of the issue of the prospectus believe that the person making the statement was competent to make it and that that person had given the consent required by section 45 to the issue of the prospectus and had not withdrawn that consent before delivery of a copy of the prospectus for registration, or, to the defendant's knowledge, before any allotment or sale thereunder ; and

- (iii) as regards every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, it was a correct and fair representation of the statement or copy of or extract from the document.

(4) Subsection (3) of this section shall not apply in the case of a person liable, by reason of his having given a consent required of him by section 45, as a person who has authorized or caused the issue of the prospectus in respect of an untrue statement purporting to have been made by him as an expert.

(5) A person who, apart from this subsection, would under subsection (1) of this section be liable, by reason of his having given a consent required of him by section 45, as a person who has authorized the issue of a prospectus in respect of an untrue statement purporting to be made by him as an expert shall not be so liable if he proves—

- (a) that, having given his consent under section 45 to the issue of the prospectus, he withdrew it in writing before a copy of the prospectus was lodged with the Registrar ;
- (b) that, after a copy of the prospectus was lodged with the Registrar and before allotment or sale thereunder, he, on becoming aware of the untrue statement, withdrew his consent in writing and gave reasonable public notice of the withdrawal and of the reasons therefor ; or
- (c) that he was competent to make the statement and that he had reasonable ground to believe, and did up to the time of the allotment or sale of the shares or debentures believe, that the statement was true.

(6) Where—

- (a) the prospectus contains the name of a person as a director of the corporation, or as having agreed to become a director, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorized or consented to the issue thereof ; or
- (b) the consent of a person is required under section 45 to the issue of the prospectus and he either has not given that consent or has withdrawn it before the issue of the prospectus,

PART IV.

DIVISION I.

the directors of the corporation, except any without whose knowledge or consent the prospectus was issued, and any other person who authorized or caused the issue thereof shall be liable to indemnify the person so named or whose consent was so required against all damages costs and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or of the inclusion therein of a statement purporting to be made by him as an expert, or in defending himself against any action or legal proceeding brought against him in respect thereof.

Criminal
liability for
statement in
prospectus.
U.K. s. 44.
Vic. s. 43.
Tas. s. 42.

47. (1) Where in a prospectus there is any untrue statement or wilful non-disclosure, any person who authorized or caused the issue of the prospectus shall be guilty of an offence against this Act unless he proves either that the statement or non-disclosure was immaterial or that he had reasonable ground to believe and did, up to the time of the issue of the prospectus, believe the statement was true or the non-disclosure immaterial.

Penalty: Imprisonment for one year or one thousand pounds or both.

(2) A person shall not be deemed to have authorized or caused the issue of a prospectus by reason only of his having given the consent required by this Division to the inclusion therein of a statement purporting to be made by him as an expert.

DIVISION II.

DIVISION II.—RESTRICTIONS ON ALLOTMENT AND COMMENCEMENT OF BUSINESS.

Prohibition
of allotment
unless
minimum
subscription
received.
U.K. ss.
47, 49.
N.S.W. ss. 142,
144.
Vic. s. 34.
Qsld. s. 51.
S.A. ss. 56, 58.
W.A. s. 53.
Tas. s. 33.

48. (1) No allotment shall be made of any shares of a company offered to the public unless—

- (a) the minimum subscription has been subscribed; and
- (b) the sum payable on application for the shares so subscribed has been received by the company,

but, if a cheque for the sum payable has been received by the company, the sum shall be deemed not to have been received by the company until the cheque is paid by the bank on which it is drawn.

(2) The minimum subscription shall be—

- (a) calculated on the nominal value of each share, and where the shares are issued at a premium, on the nominal value of, and the amount of the premium payable on, each share; and

(b) reckoned exclusively of any amount payable otherwise than in cash.

(3) The amount payable on application on each share offered to the public, except in the case of a no-liability company, shall be not less than five per centum of the nominal amount of the share.

(4) If the conditions referred to in paragraphs (a) and (b) of subsection (1) of this section have not been satisfied on the expiration of four months after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within five months after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the period of five months, but a director shall not be so liable if he proves that the default in the repayment of the money was not due to any misconduct or negligence on his part.

(5) An allotment made by a company to an applicant in contravention of the provisions of this section or of subsection (1) of section 50 shall be voidable at the option of the applicant, which option may be exercised by written notice served on the company within one month after the holding of the statutory meeting of the company, and not later, or, in any case where the company is not required to hold a statutory meeting, or where the allotment is made after the holding of the statutory meeting within one month after the date of the allotment, and not later, and the allotment shall be so voidable notwithstanding that the company is in course of being wound up.

(6) Every director of a company who knowingly contravenes or permits or authorizes the contravention of any of the provisions of this section or of subsection (1) of section 50 shall be guilty of an offence against this Act and shall be liable, in addition to the penalty or punishment for the offence, to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee has sustained or incurred thereby, but no proceedings for the recovery of any such compensation shall be commenced after the expiration of two years from the date of the allotment.

(7) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(8) No company shall allot, and no officer or promoter of a company or a proposed company shall authorize or permit to

PART IV.

DIVISION II.

be allotted, shares or debentures to the public on the basis of a prospectus after the expiration of six months from the issue of the prospectus.

Penalty : Five hundred pounds.

(9) Where an allotment of shares or debentures is made on the basis of a prospectus after the expiration of six months from the issue of the prospectus, such allotment shall not, by reason only of that fact, be voidable or void.

Application moneys to be held in trust until allotment.

N.S.W. s. 345.
Vic. s. 35.
S.A. s. 55.
W.A. s. 52.
Tas. s. 34.

49. (1) All application and other moneys paid prior to allotment by any applicant on account of shares or debentures offered to the public shall, until the allotment of such shares or debentures, be held by the company, or in the case of an intended company, by the persons named in the prospectus as proposed directors and by the promoters, upon trust for the applicant, but there shall be no obligation or duty on any bank or third person with whom any such moneys have been deposited to inquire into or see to the proper application of such moneys so long as such bank or person acts in good faith.

(2) If default is made in complying with this section every officer of the company in default or, in the case of an intended company, every person named in the prospectus as a proposed director and every promoter who knowingly and wilfully authorizes or permits the default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

Restriction on allotment in certain cases.

U.K. s. 48.
N.S.W. s. 143.
Vic. s. 32.
Qsld. s. 52.
S.A. s. 57.
W.A. s. 54.
Tas. s. 31.

50. (1) A public company having a share capital which does not issue a prospectus on or with reference to its formation shall not allot any of its shares or debentures unless, at least three days before the first allotment of either shares or debentures, there has been registered by the Registrar a statement in lieu of prospectus.

(2) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

Requirements as to statements in lieu of prospectus.

U.K. s. 48.
Vic. s. 44.
Qsld. s. 52.
S.A. 3rd, 4th Schedule.
Tas. s. 43.

51. (1) To comply with the requirements of this Act a statement in lieu of prospectus lodged by or on behalf of a company—

(a) shall be signed by every person who is named therein as a director or a proposed director of the company or by his agent authorized in writing ;

(b) shall, subject to the provisions contained in Part III of the Sixth Schedule, be in the form of and state the matters specified in Part I of that Schedule and set out the reports specified in Part II of that Schedule ; and

(c) shall, where the persons making any report specified in Part II of that Schedule have made therein or have, without giving the reasons, indicated therein any such adjustments as are mentioned in paragraph 5 of that Schedule, have endorsed thereon or attached thereto a written statement signed by those persons setting out the adjustments and giving the reasons therefor.

(2) The Registrar shall not register any statement in lieu of prospectus unless it appears to him to comply with the requirements of this Act.

(3) Where, in any statement in lieu of prospectus, there is any untrue statement or wilful non-disclosure, any director who signed the statement in lieu of prospectus shall be guilty of an offence against this Act unless he proves either that the untrue statement or non-disclosure was immaterial or that he had reasonable ground to believe and did, up to the time of the lodging for registration of the statement in lieu of prospectus, believe that the untrue statement was true or the non-disclosure immaterial.

Penalty : Imprisonment for one year or five hundred pounds or both.

52. (1) Where a company having a share capital has issued a prospectus inviting the public to subscribe for its shares, the company shall not commence any business or exercise any borrowing power—

Restrictions
on commence-
ment of
business
without issue
of prospectus
or statement
in lieu.

(a) if any money is, or may become, liable to be repaid to applicants for any shares or debentures offered for public subscription by reason of any failure to apply for or obtain permission for listing for quotation on any Stock Exchange ; or

U.K. s. 109.
N.S.W. s. 77
Vic. s. 33.
Qsld. s. 106.
S.A. s. 118.
W.A. s. 102.
Tas. s. 32.

(b) unless—

(i) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription ;

(ii) every director has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and

allotment on the shares offered for public subscription ; and

- (iii) there has been lodged with the Registrar a statutory declaration by the secretary or one of the directors of the company in the prescribed form verifying that the above conditions have been complied with.

(2) Where a public company having a share capital has not issued a prospectus inviting the public to subscribe for its shares, the company shall not commence any business or exercise any borrowing power unless—

(a) there has been lodged with the Registrar a statement in lieu of prospectus which complies with the provisions of this Act ;

(b) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares payable in cash ; and

(c) there has been lodged with the Registrar a statutory declaration by the secretary or one of the directors of the company in the prescribed form verifying that paragraph (b) of this subsection has been complied with.

(3) The Registrar shall, on the lodging of the statutory declaration in accordance with this section, certify that the company is entitled to commence business and to exercise its borrowing powers and that certificate shall be conclusive evidence thereof.

(4) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only and shall not be binding on the company until that date, and on that date it shall become binding.

(5) Where shares and debentures are offered simultaneously by a company for subscription, nothing in this section shall prevent the receipt by the company of any money payable on application for the debentures.

(6) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall be guilty of an offence against this Act.

Penalty : Two hundred pounds. Default penalty : Fifty pounds.

PART IV.

DIVISION II.

Restriction on varying contracts referred to in prospectus, etc.

U.K. s. 42.
N.S.W. s. 139.
Vic. s. 45.
Qsld. s. 48.
S.A. s. 52.
W.A. s. 49.
Tas. s. 44.

DIVISION III.

Return as to allotments.
U.K. s. 52.
N.S.W. s. 145.
Vic. s. 46.
Qsld. s. 54.
S.A. s. 59.
W.A. s. 56.
Tas. s. 45.

53. A company shall not, before the statutory meeting, vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus unless the variation is made subject to the approval of the statutory meeting.

DIVISION III.—SHARES.

54. (1) Where a company makes any allotment of its shares or any of its shares are deemed to have been allotted under subsection (6) of this section, the company shall, within one month after the date on which the shares are allotted or deemed to have been allotted, lodge with the Registrar a return of the allotment in the prescribed form stating—

- (a) the number and nominal amounts of the shares comprised in the allotment ;
- (b) the amount (if any) paid, deemed to be paid, or due and payable on the allotment of each share ;
- (c) where the capital of the company is divided into shares of different classes, the class of shares to which each share comprised in the allotment belongs ; and
- (d) subject to subsection (2) of this section, the full name, or the surname and at least one christian or other name and other initials, and the address, of each of the allottees and the number and class of shares allotted to him.

(2) The particulars mentioned in paragraph (d) of subsection (1) of this section need not be included in the return—

- (a) where the shares have been allotted for cash by a no-liability company ; or
- (b) where a company to which the provisions of subsection (1) of section 160 apply has allotted shares—
 - (i) for cash ; or

s. 54. *MALTHOUSE V. ADELAIDE MILK SUPPLY CO-OPERATIVE LIMITED* (1922) S.A.S.R. 572; 3 Austn. Digest 651. Held on the facts that a contract had been concluded between the company and the shareholder for the issue of shares and for payment in cash of the amount due on shares. Nature of cash payment discussed.

In re F. H. RING & Co. LIMITED (1924) S.A.S.R. 138; 3 Austn. Digest 1008, 1135. Held that neither the memorandum nor articles of a company formed by way of reconstructing an old company provided that shares in the new company should be held otherwise than on payment of the whole amount thereof in cash.

In re GOODMAN BROTHERS AUTO AND SERVICE COMPANY LIMITED; Ex parte F. W. ROSE (1927) S.A.S.R. 571; 3 Austn. Digest 668. An agreement between the company and the shareholder held to be an agreement that shares should be paid for in land.

In re CAMERON SHOE COMPANY LIMITED—TAYLOR'S CASE (1928) S.A.S.R. 408; 3 Austn. Digest 665. Where the company bought a house from a shareholder at an agreed price and credited the amount due to the shareholder as payment of the amount unpaid on his shares, held that the shareholder had paid in cash for his shares.

In re FEDERAL TRADERS LIMITED (1934) S.A.S.R. 174. Held that shares allotted to brokers in payment of brokerage had not been paid for in cash.

- (ii) for a consideration other than cash and the number of persons to whom the shares have been allotted exceeds five hundred.

(3) Where shares are allotted or deemed to have been allotted as fully or partly paid up otherwise than in cash and the allotment is made pursuant to a contract in writing, the company shall lodge with the return the contract evidencing the entitlement of the allottee or a copy of any such contract certified as prescribed.

(4) If a certified copy of a contract is lodged, the original contract duly stamped shall, if the Registrar so requests, be produced to the Registrar.

(5) Where shares are allotted or are deemed to have been allotted as fully or partly paid up otherwise than in cash and the allotment is made—

- (a) pursuant to a contract not reduced to writing ;
- (b) pursuant to a provision in the memorandum or articles ; or
- (c) in satisfaction of a dividend declared in favour of, but not payable in cash to, the shareholders, or in pursuance of the application of moneys held by the company in an account or reserve in paying up unissued shares to which the share holders have become entitled,

the company shall lodge with the return a statement in the prescribed form.

(6) For the purposes of this section any shares issued without formal allotment to subscribers to the memorandum shall be deemed to have been allotted to such subscribers on the date of the incorporation of the company.

(7) If default is made in complying with this section every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Two hundred pounds. Default penalty : Fifty pounds.

(8) Where shares in any company other than a no-liability company were issued prior to the commencement of the repealed Act as fully or partly paid up for a consideration other than cash, but no provision relating thereto was contained in the memorandum or articles of the company and no contract was filed as provided by section 25 of The Companies Act, 1892, as then in force, then if the shares—

- (a) were allotted and taken in good faith not later than a date six years prior to the commencement of the repealed Act ; or
- (b) were allotted and taken in good faith and for a substantial consideration ; or

Shares issued prior to repealed Act for consideration other than cash.

S.A. s. 59 (3).

- (c) after the allotment thereof, were acquired by any person in good faith without notice of the omission as aforesaid,

the allottee or holder of such shares shall not be liable to pay to the company in respect of such shares any sum other than the difference between the nominal amount of the shares and the respective amounts paid up in cash or treated or deemed to have been so paid up thereon.

55. A company, if so authorized by its articles, may—

- (a) make arrangements on the issue of shares for varying the amounts and times of payment of calls as between share holders ;
- (b) accept from any member the whole or a part of the amount remaining unpaid on any shares although no part of that amount has been called up ; and
- (c) except in the case of a no-liability company, pay dividends in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Differences in calls and payments, etc.
U.K. s. 59.
N.S.W. s. 151.
Vic. s. 47.
Qsld. s. 60.
S.A. s. 65.
W.A. s. 62.
Tas. s. 46.

56. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up except in the event, and for the purposes, of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event, and for the purposes, of the company being wound up, but no such resolution shall prejudice the rights of any person acquired before the passing of the resolution.

Reserve liability.
U.K. s. 60.
N.S.W. s. 152.
Vic. s. 47.
Qsld. s. 61.
S.A. s. 66.
W.A. s. 63.
Tas. s. 46.

57. (1) Notwithstanding any provision in its articles, a company shall not, after the commencement of this Act, issue any share warrant.

Share warrants.
N.S.W. s. 80.
Vic. s. 47.
Tas. s. 46.
Cf. S.A. ss. 92, 121, Vic. (1988) s. 97.

(2) The bearer of a share warrant issued before the commencement of this Act shall be entitled, on surrendering it for cancellation, to have his name entered as a member in the register of members.

(3) A company shall be responsible for any loss incurred by any person by reason of the company entering in the register the name of a bearer of a share warrant issued by it before the commencement of this Act in respect of the shares therein specified without the warrant being surrendered and cancelled.

(4) Subject to this Act, the bearer of a share warrant issued by a company before the commencement of this Act may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Act either to the full extent or for any purpose defined in the articles.

PART IV.

DIVISION III.

Power to pay certain commissions, and prohibition of payment of all other commissions, discounts, etc.

U.K. s. 58.
N.S.W. s. 146.
Vic. s. 48.
Qsld. s. 55.
S.A. s. 60.
W.A. s. 57.
Tas. s. 47.

58. (1) A company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if—

- (a) the payment is authorized by the articles ;
- (b) the commission does not exceed ten per centum of the price at which the shares are issued or the amount or rate authorized by the articles, whichever is the less ;
- (c) the amount or rate of the commission is—
 - (i) in the case of shares offered to the public for subscription, disclosed in the prospectus ; and
 - (ii) in the case of shares not so offered, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and lodged before the payment of the commission with the Registrar, and, where a circular or notice not being a prospectus inviting subscription for the shares is issued, also disclosed in that circular or notice ; and
- (d) the number of shares for which persons have agreed for a commission to subscribe absolutely is disclosed in like manner.

(2) Except as provided in subsection (1) of this section, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money are so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money is paid out of the nominal purchase money or contract price or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage (in addition to or in lieu of the commission referred to in subsection (1) of this section) as

s. 58. In *re* THE IVANHOE SOUTH EXTENDED GOLD MINING COMPANY (1900) S.A.L.R. 53. Held, that a clause in the articles of association, providing that surplus assets in a winding-up should be distributed in proportion to the nominal amount of shares of the members, was valid whether the shares were issued at a discount or not.

FRASER'S SOUTH GOLD MINING COMPANY (1900) S.A.L.R. 56. Held, that a no-liability company under the Mining Companies Act, 1881, had no power to issue shares at a discount.

it has before the commencement of this Act been lawful for a company to pay but the amount or rate per centum of the brokerage paid or agreed to be paid by the company shall (in the case of shares offered to the public for subscription) be disclosed in the prospectus or (in the case of shares not offered to the public for subscription) be disclosed in the statement in lieu of prospectus or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and lodged before the payment of the brokerage with the Registrar, and, where a circular or notice not being a prospectus inviting subscription for the shares is issued, also disclosed in that circular or notice.

(4) A vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have power to apply any part of the money or shares so received in payment of any commission the payment of which if made directly by the company would have been lawful under this section.

(5) If default is made in complying with any provision of this section requiring the lodging with the Registrar of the statement in the prescribed form, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

59. (1) Subject to this section, a company may issue at a discount shares of a class already issued if—

- (a) the issue of the shares at a discount is authorized by resolution passed in general meeting of the company, and is confirmed by order of the Court;
- (b) the resolution specifies the maximum rate of discount at which the shares are to be issued;
- (c) at the date of the issue not less than one year has elapsed since the date on which the company was entitled to commence business; and
- (d) the shares are issued within one month after the date on which the issue is confirmed by order of the Court or within such extended time as the Court allows.

(2) The Court, if having regard to all the circumstances of the case it thinks proper to do so, may make an order confirming the issue on such terms and conditions as it thinks fit.

(3) Every prospectus relating to the issue of the shares shall contain particulars of the discount allowed or of so much of that discount as has not been written off at the date of the issue of the prospectus.

(4) Notwithstanding any provision of its articles, a company shall not issue at a discount shares of any class unless it first offers the shares to every holder of shares of that class in the company proportionately to the number of those shares held by him.

Power to issue shares at a discount.

U.K. s. 57.
N.S.W. s. 150.
Vic. s. 49.
Qld. s. 59.
S.A. s. 64.
W.A. s. 61.
Tas. s. 48.

PART IV.

DIVISION III.

(5) Every such offer shall be made by notice specifying the number of shares to which the member is entitled and limiting a time not being less than twenty-one days within which the offer may be accepted.

(6) If any such offer is not accepted within the time limited by the notice the shares may be issued on terms not more favourable than those offered to the shareholders.

(7) If default is made in complying with this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(8) This section shall not affect the right of a no-liability company to issue shares at a discount.

Issue of shares
at premium.

U.K. s. 56.
Vic. s. 50.
Tas. s. 49.

60. (1) Where a company issues shares for which a premium is received by the company, whether in cash or in the form of other valuable consideration, a sum equal to the aggregate amount or value of the premiums on those shares shall be transferred to an account called the "share premium account", and the provisions of this Act relating to the reduction of the share capital of a company shall, subject to this section, apply as if the share premium account were paid up share capital of the company.

(2) The share premium account may be applied—

(a) in paying up un-issued shares to be issued to members of the company as fully paid bonus shares ;

(b) in paying up in whole or in part the balance unpaid on shares previously issued to members of the company ;

(c) in the payment of dividends if such dividends are satisfied by the issue of shares to members of the company ;

(d) in the case of a company which carries on life insurance business in the Commonwealth, by appropriation or transfer to any statutory fund established and maintained pursuant to any law of the Commonwealth relating to life insurance ;

(e) in writing off—

(i) the preliminary expenses of the company ; or

(ii) the expenses of, or the commission or brokerage paid or discount allowed on, any issue of shares or debentures of the company ; or

(f) in providing for the premium payable on redemption of debentures or redeemable preference shares.

(3) Where a company has before the commencement of this Act issued any shares at a premium the provisions of this section

shall apply as if those shares had been issued after the commencement of this Act but, where any part of the premiums has been so applied that it does not at the commencement of this Act form an identifiable part of the company's reserves, it shall be disregarded in determining the sum to be transferred to the share premium account.

61. (1) Subject to this section, a company having a share capital may, if so authorized by its articles, issue preference shares which are, or at the option of the company are to be liable, to be redeemed and the redemption shall be effected only on such terms and in such manner as is provided by the articles.

Redeemable
preference
shares.

U.K. s. 58.
N.S.W. ss. 149

154.
Vic. s. 51.
Qsld. s. 58.
S.A. s. 63.
W.A. s. 80.
Tas. s. 50.

(2) The redemption shall not be taken as reducing the amount of authorized share capital of the company.

(3) The shares shall not be redeemed—

(a) except out of profits which would otherwise be available for dividend, or out of the proceeds of a fresh issue of shares made for the purposes of the redemption; and

(b) unless they are fully paid up.

(4) The premium, if any, payable on redemption shall be provided for out of profits or the share premium account before the shares are redeemed.

(5) Where any such shares are redeemed otherwise than out of the proceeds of a fresh issue, there shall, out of profits which would otherwise have been available for dividend, be transferred to a reserve called the "capital redemption reserve" a sum equal to the nominal amount of the shares redeemed, and the provisions of this Act relating to the reduction of the share capital of a company shall, except as provided in this section, apply as if the capital redemption reserve were paid up share capital of the company.

(6) Where in pursuance of this section a company has redeemed or is about to redeem any preference shares, it may issue shares up to the nominal amount of the shares redeemed or to be redeemed as if those shares had never been issued, and accordingly the share capital of the company shall not, for the purposes of any fee under this Act, be deemed to be increased by such issue but, where new shares are issued before the redemption of the old shares, the new shares shall not, so far as relates to any fee under this Act, be deemed to have been issued in pursuance of this subsection unless the old shares have been redeemed within one month after the issue of the new shares.

(7) The capital redemption reserve may be applied in paying up un-issued shares of the company to be issued to members of the company as fully paid bonus shares.

PART IV.

DIVISION III.

(8) If a company redeems any redeemable preference shares it shall within fourteen days after so doing give notice thereof to the Registrar in the prescribed form specifying the shares redeemed.

Power of company to alter its share capital.

U.K. ss. 61, 64, 155.
N.S.W. ss. 153, 155.
Vic. s. 52.
Qsld. ss. 62, 64, 65.
S.A. ss. 67, 69, 70.
W.A. ss. 64, 66.
Tas. s. 51.

62. (1) A company, if so authorized by its articles, may in general meeting alter the conditions of its memorandum in any one or more of the following ways:—

- (a) increase its share capital by the creation of new shares of such amount as it thinks expedient;
- (b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;
- (c) convert or make provision for the conversion of all or any of its paid up shares into stock and re-convert or make provision for the re-conversion of that stock into paid up shares of any denomination;
- (d) subdivide its shares or any of them into shares of smaller amount than is fixed by the memorandum, so however that in the subdivision the proportion between the amount paid and the amount (if any) unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;
- (e) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person or which have been forfeited and diminish the amount of its share capital by the amount of the shares so cancelled.

Cancellations.

(2) A cancellation of shares under this section shall not be deemed to be a reduction of share capital within the meaning of this Act.

As to share capital of unlimited company on re-registration.

(3) An unlimited company having a share capital may by any resolution passed for the purposes of subsection (1) of section 25—

- (a) increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the increased capital shall be capable of being called up except in the event and for the purposes of the company being wound up; and
- (b) in addition or alternatively, provide that a specified portion of its uncalled share capital shall not

s. 62. WINN'S GOLD MINING COMPANY (NORTHERN TERRITORY) LIMITED v. WYLD (1874) 8 S.A.L.R. 66; 3 Austr. Digest 738. Held (under section 33 of the Companies Act, 1864), that the requirement as to notice is directory only, and that notice was not a condition precedent to bringing an action for calls subsequently made.

be capable of being called up except in the event and for the purposes of the company being wound up.

(4) Where a company has increased its share capital beyond the registered capital or converted any of its shares into stock or re-converted stock into shares, it shall within fourteen days after the passing of the resolution authorizing the increase or after the conversion or re-conversion, as the case may be, lodge with the Registrar notice in the prescribed form of the increase, conversion or re-conversion.

Notice of increase of share capital.

(5) If any company fails to comply with the provisions of subsection (4) of this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

63. Where a company has purported to issue or allot shares and the creation, issue or allotment of those shares was invalid by reason of any provision of this Act or any other Act or of the memorandum or articles of the company or otherwise, or the terms of issue or allotment were inconsistent with or unauthorized by any such provision, the Court may, upon application made by the company or by a holder or mortgagee of any of those shares or by a creditor of the company and upon being satisfied that in all the circumstances it is just and equitable so to do, make an order validating the issue or allotment of those shares or confirming the terms of issue or allotment thereof, or both, and upon an office copy of the order being lodged with the Registrar, those shares shall be deemed to have been validly issued or allotted upon the terms of the issue or allotment thereof.

Validation of shares improperly issued.

64. (1) Subject to confirmation by the Court, a company may, if so authorized by its articles, by special resolution, reduce its share capital in any way and, in particular, without limiting the generality of the foregoing, may do all or any of the following :—

Special resolution for reduction of share capital.
U.K. ss. 66-71.
N.S.W. ss. 158-163.
Vic. s. 53.
Qsld. ss. 67-70.
S.A. ss. 74-81.
W.A. s. 71.
Tas. s. 52.

(a) extinguish or reduce the liability of any of its shares in respect of share capital not paid up ;

s. 64. In *re* ADELAIDE MORTGAGE AND INVESTMENT COMPANY LIMITED (1928) S.A.S.R. 478; 3 Austn. Digest 634. Unopposed petition for confirmation of reduction of capital granted, although it appeared that one of the objects of the petition was to free the promoters from a possible liability on shares. Confirmation ordered on condition that words "and reduced" be added to title of company, and information as to reasons for reduction published.

In *re* COLTON, PALMER AND PRESTON LIMITED (1936) S.A.S.R. 434. Where under a scheme for reduction of capital a bank undertook to discharge all debts of the company, held that this was a special circumstances justifying the exercise of the jurisdiction by the bank under section 76 (2) of the Companies Act, 1934.

In the matter of SOUTHERN ACCEPTANCE CORPORATION LTD. (1945) S.A.S.R. 124. A resolution to repay the shareholders an amount per share on the footing that it may be called up again at any time held to effect a "reduction of share capital" within the meaning of section 74 of the Companies Act, 1934.

- (b) cancel any paid-up capital which is lost or unrepresented by available assets ; or
- (c) pay off any paid-up share capital which is in excess of the needs of the company,

and may, so far as necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly.

(2) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the Court so directs—

- (a) every creditor of the company who, at the date fixed by the Court, is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction ;
- (b) the Court, unless satisfied on affidavit that there are no such creditors, shall settle a list of creditors so entitled to object and for that purpose shall ascertain as far as possible, without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a final day on or before which creditors not entered on the list may claim to be so entered ; and
- (c) where a creditor entered on the list whose debt or claim is not discharged or has not determined does not consent to the reduction, the Court may dispense with the consent of that creditor on the company securing payment of his debt or claim by appropriating as the Court directs—
 - (i) if the company admits the full amount of the debt or claim or, though not admitting it, is willing to provide for it, the full amount of the debt or claim ; or
 - (ii) if the company does not admit and is not willing to provide for the full amount of the debt or claim or if the amount is contingent or not ascertained, an amount fixed by the Court after the like inquiry and adjudication as if the company were being wound up by the Court.

(3) Notwithstanding the provisions of subsection (2) of this section the Court may, having regard to any special circumstances of any case, direct that all or any of the provisions of that subsection shall not apply as regards any class of creditors.

(4) The Court, if satisfied with respect to every creditor who, under subsection (2) of this section, is entitled to object, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit and may, by order—

(a) if for any special reason it thinks proper so to do, direct that the company shall, during such period (commencing on or at any time after the date of the order) as is specified in the order, add to its name as the last words thereof the words “and reduced”; and

(b) require the company to publish as the Court directs the reasons for reduction or such other information as the Court thinks expedient and, if the Court thinks fit, the causes which led to the reduction.

(5) An order made under subsection (4) of this section shall show the amount of the share capital of the company as altered by the order, the number of shares into which it is to be divided and the amount of each share and the amount, if any, at the date of the order deemed to be paid up on each share.

(6) On the lodging of an office copy of the order with the Registrar, the resolution for reducing share capital, as confirmed by the order so lodged, shall take effect.

(7) A certificate of the Registrar in the prescribed form that an office copy of the order has been lodged with him shall be conclusive evidence that the requirements of this Act with respect to reduction of share capital have been complied with and that the share capital of the company is such as is stated in the order.

(8) On the lodging of the copy of the order, the particulars shown in the order pursuant to subsection (5) of this section shall be deemed to be substituted for the corresponding particulars in the memorandum and such substitution and any addition ordered by the Court to be made to the name of the company shall (in the case of any addition to the name, for such period as is specified in the order of the Court) be deemed to be alterations of the memorandum for the purposes of this Act.

(9) A member, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount of the share as fixed by the order and the amount paid, or the reduced amount (if any) which is to be deemed to have been paid, on the share (as the case may be) but where any creditor entitled to object to the reduction is, by reason of his ignorance of the proceedings for reduction or of their nature and effect with respect to his claim, not entered on the list of creditors, and after the reduction the

company is unable, within the meaning of the provisions of this Act with respect to winding up by the Court, to pay the amount of his debt or claim—

(a) every person who was a member of the company at the date of the lodging of the copy of the order for reduction shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before the said date ; and

(b) if the company is wound up, the Court, on the application of any such creditor and proof of his ignorance of the proceedings for reduction or of their nature and effect with respect to his claim, may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up,

but nothing in this subsection shall affect the rights of the contributories among themselves.

(10) Every officer of the company who—

(a) wilfully conceals the name of any creditor entitled to object to the reduction ;

(b) wilfully misrepresents the nature or amount of the debt or claim of any creditor ; or

(c) aids, abets or is privy to any such concealment or misrepresentation,

shall be guilty of an offence against this Act punishable on indictment.

Penalty : Imprisonment for three years.

(11) This section shall not apply to an unlimited company, but nothing in this Act shall preclude an unlimited company from reducing in any way its share capital, including any amount in its share premium account.

65. (1) If, in the case of a company the share capital of which is divided into different classes of shares, provision is made by the memorandum or articles for authorizing the variation or abrogation of the rights attached to any class of shares in the company, subject to the consent of any specified proportion of the holders of the issued shares of that class or the sanction of a resolution passed at a separate meeting of the holders of those shares, and in pursuance of the said provision the rights attached to any such class of shares are at any time varied or abrogated, the holders of not less in the aggregate than ten per centum of the issued shares of that class, being persons who did not consent to or vote in favour of the resolution

Rights of holders of classes of shares.

U.K. s. 72.
N.S.W. s. 164.
Vic. s. 54.
Qsld. s. 73.
S.A. s. 82.
W.A. s. 78.
Tas. s. 53.

for the variation or abrogation, may apply to the Court to have the variation or abrogation cancelled, and, if any such application is made, the variation or abrogation shall not have effect until confirmed by the Court.

(2) An application shall not be invalid by reason of the applicants or any of them having consented to or voted in favour of the resolution for the variation or abrogation if the Court is satisfied that any material fact was not disclosed by the company to those applicants before they so consented or voted.

(3) The application shall be made within one month after the date on which the consent was given or the resolution was passed or such further time as the Court allows, and may be made on behalf of the shareholders entitled to make the application by such one or more of their number as they appoint in writing.

(4) On the application the Court, after hearing the applicant and any other persons who apply to the Court to be heard and appear to the Court to be interested, may, if satisfied having regard to all the circumstances of the case that the variation or abrogation would unfairly prejudice the shareholders of the class represented by the applicant, disallow the variation or abrogation, as the case may be, and shall, if not so satisfied, confirm it, and the decision of the Court shall be final.

(5) The company shall, within fourteen days after the making of an order by the Court on any such application, lodge an office copy of the order with the Registrar, and, if default is made in complying with this provision the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

(6) The issue by a company of preference shares ranking *pari passu* with existing preference shares issued by the company shall be deemed to be a variation of the rights attached to those existing preference shares unless the issue of the first-mentioned shares was authorized by the terms of issue of the existing preference shares or by the articles of the company in force at the time the existing preference shares were issued.

66. (1) No company shall allot any preference shares or convert any issued shares into preference shares unless there is set out in its memorandum or articles the rights of the holders of those shares with respect to repayment of capital, participation in surplus assets and profits, cumulative or non-cumulative dividends, voting, and priority of payment of capital and dividend in relation to other shares or other classes of preference shares.

Rights of holders of preference shares to be set out in memorandum or articles.
Vic. s. 55.
Tas. s. 54.

(2) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

Dealing by a company in its own shares, etc.

U.K. s. 54.
N.S.W. s. 148.
Vic. s. 56.
Qsld. s. 57.
S.A. s. 02.
W.A. s. 154.
Tas. s. 55.

67. (1) Except as is otherwise expressly provided by this Act, no company shall give, whether directly or indirectly and whether by means of a loan or guarantee or the provision of security or otherwise, any financial assistance for the purpose of or in connection with a purchase or subscription made or to be made by any person of or for any shares in the company or, where the company is a subsidiary, in its holding company or in any way purchase, deal in or lend money on its own shares.

(2) Nothing in subsection (1) of this section shall prohibit—

(a) where the lending of money is part of the ordinary business of a company, the lending of money by the company in the ordinary course of its business ;

(b) the provision by a company, in accordance with any scheme for the time being in force, of money for the purchase of or subscription for fully-paid shares in the company or its holding company, being a purchase or subscription by trustees of or for shares to be held by or for the benefit of employees of the company, including any director holding a salaried employment or office in the company ; or

(c) the making by a company of loans to persons, other than directors, *bona fide* in the employment of the company or of a subsidiary of the company with a view to enabling those persons to purchase fully-paid shares in the company to be held by themselves by way of beneficial ownership.

(3) If there is any contravention of this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Imprisonment for three months or five hundred pounds.

Options over unissued shares.

68. (1) An option granted after the commencement of this Act by a public company which enables any person to take up unissued shares of the company after a period of five years has elapsed from the date on which the option was granted shall be void.

(2) Subsection (1) of this section shall not apply in any case where the holders of debentures have an option to take up shares of the company by way of redemption of the debentures.

PART IV.

DIVISION III.

Power of company to pay interest out of capital in certain cases.

U.K. s. 65.
N.S.W. s. 157.
Vic. s. 57.
Qsld. s. 66.
S.A. s. 71.
W.A. s. 68.
Tas. s. 66.

69. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a long period, the company may pay interest on so much of such share capital as is for the time being paid up and charge the interest so paid to capital as part of the cost of the construction or provision but—

- (a) no such payment shall be made unless it is authorized by the articles or by special resolution and is approved by the Court ;
- (b) before approving of any such payment, the Court may, at the expense of the company, appoint a person to inquire and report as to the circumstances of the case, and may require the company to give security for the payment of the costs of the inquiry ;
- (c) the payment shall be made only for such period as is determined by the Court, but in no case extending beyond a period of twelve months after the works or buildings have been actually completed or the plant provided ;
- (d) the rate of interest shall in no case exceed five per centum per annum or such other rate as is for the time being prescribed ; and
- (e) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

DIVISION IV.—DEBENTURES.

DIVISION IV.

70. (1) Every company which issues debentures shall keep a register of holders of the debentures at the registered office of the company or at some other place in the State.

Register of debenture holders and copies of trust deed.

U.K. s. 87.
N.S.W. s. 169.
Vic. s. 58.
Qsld. s. 97.
S.A. s. 94.
W.A. s. 90.
Tas. s. 57.

(2) Every company shall, within seven days after the register is first kept at a place other than the registered office, lodge with the Registrar notice in the prescribed form of the place where the register is kept and shall, within seven days after any change in the place at which the register is kept, lodge with the Registrar notice in the prescribed form of the change.

(3) The register shall, except when duly closed, be open to the inspection of the registered holder of any debentures and of any holder of shares in the company and shall contain particulars of the names and addresses of the debenture holders and the amount of debentures held by them.

(4) For the purposes of this section a register shall be deemed to be duly closed if closed in accordance with provisions contained in the articles or in the debentures or debenture stock certificates, or in the trust deed or other document relating to or

PART IV.

DIVISION IV.

securing the debentures, during such periods (not exceeding in the aggregate thirty days in any calendar year) as is therein specified.

(5) Every registered holder of debentures and every holder of shares in a company shall at his request be supplied by the company with a copy of the register of the holders of debentures of the company or any part thereof on payment of two shillings for every hundred words or part thereof required to be copied, but the copy need not include any particulars as to any debenture holder other than his name and address and the debentures held by him.

(6) A copy of any trust deed relating to or securing any issue of debentures shall be forwarded by the company to a holder of those debentures at his request on payment of the sum of ten shillings or such less sum as is fixed by the company, or, where the copy has to be specially made to meet the request, on payment of two shillings for every hundred words or part thereof required to be copied.

(7) If inspection is refused, or a copy is refused or not forwarded within a reasonable time (but not longer than thirty days) after a request has been made pursuant to this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(8) Where, on the date of commencement of this Act, a register of holders of debentures is being kept by a company at a place other than the registered office of the company, that register shall, for the purposes of subsection (2) of this section, be deemed to have been first kept at that place on that date.

Specific performance of contracts.

U.K. s. 92.
N.S.W. s. 172.
Vic. s. 59.
Qsld. s. 100.
S.A. s. 97.
W.A. s. 93.
Tas. s. 58.

71. A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

Perpetual debentures.

U.K. s. 89.
N.S.W. s. 170.
Vic. s. 60.
Qsld. s. 98.
S.A. s. 95.
W.A. s. 91.
Tas. s. 59.

72. A condition contained in any debenture or in any deed for securing any debentures, whether the debenture or deed is issued or made before or after the commencement of this Act, shall not be invalid by reason only that the debentures are thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule of law or equity to the contrary notwithstanding.

PART IV.

DIVISION IV.

73. (1) Where a company has redeemed any debentures, whether before or after the commencement of this Act—

(a) unless any provision to the contrary, whether express or implied, is contained in the articles or in any contract entered into by the company; or

(b) unless the company has, by passing a resolution to that effect or by some other act, manifested its intention that the debentures shall be cancelled,

the company shall have and shall be deemed always to have had power to re-issue the debentures, either by re-issuing the same debentures or by issuing other debentures in their place but the re-issue of a debenture or the issue of one debenture in place of another under this subsection, whether the re-issue or issue was made before or after the commencement of this Act, shall not be regarded as the issue of a new debenture for the purpose of any provision limiting the amount or number of debentures that may be issued by the company.

(2) After the re-issue the person entitled to the debentures shall have and shall be deemed always to have had the same priorities as if the debentures had never been redeemed.

(3) Where a company has either before or after the commencement of this Act deposited any of its debentures to secure advances on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit while the debentures remain so deposited.

74. (1) Every corporation offering debentures to the public for subscription in the State shall (except where a debenture is given by one instrument to not more than twenty-five persons without any right to subdivide their interests) make provision in the debentures or in a trust deed for the appointment of—

(a) a company that is not an exempt proprietary company or a prescribed proprietary company or a prescribed private company as defined in section 397; or

(b) a foreign company incorporated in any State or Territory of the Commonwealth not being an exempt proprietary company under the law of the State or Territory in which it is incorporated; or

(c) a person who is a registered liquidator,

as trustee for the holders of the debentures.

(2) A corporation shall not allot any of the debentures until the appointment provided for in the debentures or in the trust deed pursuant to subsection (1) of this section has been made.

(3) The debentures or deed shall contain covenants by the corporation, or if it does not expressly contain those covenants shall be deemed to contain covenants, to the following effect—

Re-issue of redeemed debentures.

U.K. s. 90.
N.S.W. s. 171.
Vic. s. 61.
Qsld. s. 99.
S.A. s. 96.
W.A. s. 92.
Tas. s. 60.

Trustee for debenture holders.

N.S.W. s. 172A.
Vic. s. 62.
Qsld. s. 100A.
Tas. s. 61.

- (a) that the corporation will use its best endeavours to carry on and conduct its business in a proper and efficient manner ;
- (b) that, to the same extent as if the trustee for the holders of the debentures or any registered company auditor appointed by the trustee were a director of the corporation it will—
- (i) make available for its or his inspection the whole of the accounting or other records of the corporation ; and
 - (ii) give to it or him such information as it or he requires with respect to all matters relating to the accounting or other records of the corporation ; and
- (c) that the corporation will, on the application of holders of debentures of any class holding not less than one-tenth in nominal value of the issued debentures of that class delivered to its registered office by giving notice—
- (i) to each of the holders of the debentures (other than debentures payable to bearer) of that class at his address as specified in the register of holders of debentures ; and
 - (ii) by an advertisement in a daily newspaper circulating generally throughout the State addressed to all holders of debentures of that class,

summon a meeting to consider the accounts and balance-sheet which were laid before the last preceding annual general meeting of the corporation and to give to the trustee directions in relation to the exercise of the trustee's powers, such meeting to be held at a time and place specified in the notice and advertisement under the chairmanship of a person nominated by the trustee or such other person as is appointed in that behalf by the holders of debentures present at the meeting.

(4) Where any debenture given or trust deed made after the commencement of this Act does not expressly contain the covenants referred to in subsection (3) of this section the corporation and every officer of the corporation who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

(5) Without leave of the Court, a person, company or foreign company shall not be appointed, hold office or act as trustee for

the holders of debentures of a corporation referred to in subsection (1) of this section if that person, company or foreign company is—

- (a) a director or an auditor of the corporation ;
- (b) a shareholder that holds his or its shares in the corporation beneficially ;
- (c) a creditor of the corporation ;
- (d) a person or corporation that has entered into a guarantee in respect of the principal debt secured by those debentures or in respect of interest thereon ; or
- (e) a corporation or director of a corporation that is by virtue of subsection (5) of section 6 deemed to be related to—
 - (i) any company or foreign company referred to in paragraphs (a) to (d) inclusive of this subsection ; or
 - (ii) the corporation referred to in subsection (1) of this section.

(6) Notwithstanding anything contained in subsection (5) of this section, that subsection shall not prevent a corporation (in this subsection referred to as “the trustee corporation”) that is (or by virtue of subsection (5) of section 6 is deemed to be related to)—

- (a) a banking corporation ;
- (b) a corporation authorized to transact life insurance business under the law of the Commonwealth relating to life insurance ; or
- (c) a corporation authorized by the law of a State or Territory of the Commonwealth to take in its own name a grant of probate or of letters of administration of the estate of a deceased person,

from being appointed, holding office or acting as trustee for the holders of debentures of another corporation (in this sub-section referred to as “the other corporation”) by reason only that—

- (i) the other corporation owes to the trustee corporation or to a corporation that is deemed by virtue of subsection (5) of section 6 to be related to the trustee corporation any moneys so long as such moneys are—

(A) moneys that (not taking into account any moneys referred to in subparagraphs (B) and (C) of this paragraph) do not at the time of the appointment or at any time within a period of three months after the debentures are first offered to the public, exceed one-tenth of the amount of the

debentures proposed to be offered to the public within that period, and do not, at any time after the expiration of that period, exceed one-tenth of the amount owed by the other corporation to the holders of the debentures ;

(B) moneys that are secured by, and only by, a first mortgage over land of the other corporation, or by any debentures issued by the other corporation to the public or any debentures to which the trustee corporation or a corporation that is so deemed to be related to the trustee corporation is not beneficially entitled ; or

(C) moneys to which the trustee corporation, or a corporation that is so deemed to be related to the trustee corporation is entitled as trustee for holders of any debentures of the other corporation in accordance with the terms of the debentures or of the relevant trust deed ; or

(ii) the trustee corporation, or a corporation that is deemed by virtue of subsection (5) of section 6 to be related to the trustee corporation, is a shareholder of the other corporation in respect of shares that it holds beneficially, so long as the shares in the corporation held beneficially by the trustee corporation and by all other corporations that are deemed by virtue of subsection (5) of section 6 to be related to it do not carry the right to exercise more than one-tenth of the voting power at any general meeting of the other corporation.

(7) Nothing in subsection (5) of this section shall affect the operation of any debentures or trust deed issued or executed before the commencement of this Act or apply to the trustee for the holders of any such debentures except in a case where, pursuant to any such trust deed, a further offer of debentures is made to the public after the commencement of this Act.

(8) A corporation referred to in subsection (1) of this section shall in writing furnish the trustee, whether or not any demand therefor has been made, with particulars (within twenty-one days after the creation of the charge) of any charge created by the corporation, other than a charge created in the ordinary course of the business of the corporation and when the amount to be advanced is indeterminate, particulars (within seven days after the advance) of the amount or amounts in fact advanced, but where any such advances are merged in a current account with bankers or

trade creditors, it shall be sufficient for particulars of the net amount outstanding in respect of any such advances to be furnished every three months.

(9) The Court may, on the application of the trustee, order a meeting (to be held and conducted in such manner as the Court thinks fit, under the chairmanship of a person nominated by the trustee or such other person as the meeting appoints) of the holders of debentures of any class to be called to consider any matters in which they are concerned and advise the trustee thereon and may give such ancillary or consequential directions as it thinks fit.

(10) The trustee shall exercise diligence in ascertaining whether or not the assets of the corporation which constitute or may constitute the security for the debentures are sufficient or are likely to become sufficient to discharge the principal debt and any interest thereon.

(11) Notwithstanding anything in any debenture or trust deed, the security for any debentures which are irredeemable or redeemable only on the happening of a contingency or at an uncertain time shall be enforceable forthwith or at such time as the Court directs if, on the application of a debenture holder (where there is no trustee for debenture holders) or the trustee, the Court is satisfied that—

Enforceability
of certain
debentures.

- (a) at the time of the issue of the debentures the assets of the corporation which constituted or were intended to constitute the security therefor were sufficient or likely to become sufficient to discharge the principal debt and any interest thereon;
- (b) the security, if realized under the circumstances existing at the time of the application, would be likely to bring not more than sixty per centum of the principal sum of moneys outstanding (regard being had to all prior charges, if any); and
- (c) the assets covered by the security, on a fair valuation on the basis of a going concern, are worth less than the principal sum and the corporation is not earning the interest payable on the principal sum or (where no definite rate of interest is payable) interest thereon at such rate as the Court considers would be a fair rate to expect from a similar investment, after allowing a reasonable amount for depreciation.

(12) Subsection (11) of this section shall not affect any power to vary rights or accept any compromise or arrangement created by the terms of the debentures or under a compromise or arrangement between the corporation and creditors.

(13) Subject to the Administration and Probate Act, 1919, as amended, the Public Trustee may be appointed the trustee for debenture holders under and for the purposes of this section.

(14) Where a trustee for the holders of debentures of a corporation, having been appointed pursuant to this section, ceases to hold office as such, the corporation shall—

(a) if provision has been made in the debentures or the relevant trust deed for the appointment of a successor to the trustee, and for that successor to be a company, foreign company or registered liquidator qualified for appointment under this section as trustee for the holders of the debentures—take such steps and do such things as may be necessary for the appointment of a successor accordingly; or

(b) if no such provision has been so made—forthwith appoint, as successor to that trustee, a company, foreign company or registered liquidator qualified for appointment under this section as trustee for the holders of the debentures,

and the successor, when so appointed shall, for the purposes of this section, be deemed to be the trustee for the holders of the debentures, and the provisions of this section applying to and in relation to a trustee shall apply likewise to and in relation to the successor.

(15) If default is made in complying with any provision of this section, other than the provisions of subsection (3) or (4) of this section or with a covenant contained or deemed to be contained in a debenture or trust deed by virtue of subsection (3) of this section, the corporation and every officer of the corporation who is in default shall be guilty of an offence against this Act.

Penalty: Two hundred pounds. Default penalty.

Liability of trustees for debenture holders.
U.K. s. 88.

75. (1) Subject to this section, any provision contained in a trust deed relating to or securing an issue of debentures, or in any contract with the holders of debentures secured by a trust deed, shall be void in so far as it would have the effect of exempting a trustee thereof from or indemnifying the trustee against liability for breach of trust where the trustee fails to show the degree of care and diligence required of the trustee as such, having regard to the provisions of the trust deed or contract conferring on the trustee any powers, authorities or discretions.

(2) Subsection (1) of this section shall not invalidate—

(a) any release otherwise validly given in respect of anything done or omitted to be done by a trustee before the giving of the release; or

- (b) any provision enabling such a release to be given—
- (i) on the agreement thereto of a majority of not less than three-fourths in nominal value of the debenture holders present and voting in person or, where proxies are permitted, by proxy at a meeting summoned for the purpose ; and
 - (ii) either with respect to specific acts or omissions or on the dissolution of the trustee or on the trustee ceasing to act.
- (3) Subsection (1) of this section shall not operate—
- (a) to invalidate any provision in force at the commencement of this Act so long as any trustee then entitled to the benefit of that provision remains a trustee of the deed in question ; or
 - (b) to deprive any trustee of any exemption or right to be indemnified in respect of anything done or omitted to be done by the trustee while any such provision was in force.

DIVISION V.—INTERESTS OTHER THAN SHARES,
DEBENTURES, ETC.

DIVISION V.

76. (1) In this Division and in the Seventh Schedule, unless inconsistent with the context or subject matter—

Interpretation.
N.S.W. s. 173A
Vic. s. 63.
Qsld. s. 83A.
S.A. s. 114A.
W.A. s. 98A.
Tas. s. 62.

“company” means a public company, and includes a corporation that is a public company under the law of a proclaimed State and is registered as a foreign company in this State :

“financial year”, in relation to a deed, means the period of twelve months ending on the thirtieth day of June or on such other date as is specified in lieu thereof in the deed :

“interest” means any right to participate or interest, whether enforceable or not, and whether actual, prospective or contingent—

(a) in any profits, assets or realization of any financial or business undertaking or scheme, whether in the State or elsewhere ;

(b) in any common enterprise, whether in the State or elsewhere, in which the holder of the right or interest is led to expect profits, rent or interest from the efforts of the promoter of the enterprise or a third party ;
or

(c) in any investment contract—

whether or not the right or interest is evidenced by a formal document and whether or not the right or

interest relates to a physical asset, but does not include—

- (i) any share in or debenture of a corporation ;
- (ii) any interest in or arising out of a policy of life insurance ; or
- (iii) any interest in a partnership agreement :

“investment contract” means any contract, scheme or arrangement which, in substance and irrespective of the form thereof, involves the investment of money in or under such circumstances that the investor acquires or may acquire an interest in or right in respect of property which under or in accordance with the terms of investment will, or may at the option of the investor, be used or employed in common with any other interest in or right in respect of property acquired in or under like circumstances :

“management company”, in relation to any interests issued or proposed to be issued or any deed that relates to any interests issued or proposed to be issued means a company by or on behalf of which the interests have been or are proposed to be issued and includes any person for the time being exercising the functions of the management company :

“proclaimed State” means a State or Territory of the Commonwealth declared by proclamation to be a proclaimed State or Territory for the purposes of this Division.

(2) A reference in this Division to a deed shall be read as including a reference to any instrument amending or affecting the deed.

(3) Every deed approved under the repealed Act shall be deemed to contain covenants to the effect of the covenants required to be contained in a deed under subsection (1) of section 80 except the covenants required under subparagraphs (i), (ii) and (iii) of paragraph (b) of that subsection, and subsections (2), (3), (4) and (5) of that section shall apply in relation to the deed accordingly.

77. For the purposes of this Division, a deed shall be an approved deed if—

- (a) the Registrar has granted his approval to the deed under this Division or under any corresponding previous enactment ; and
- (b) the Minister has granted his approval under this Division or under any corresponding previous enactment to the trustee or representative appointed for the purposes of the deed acting as trustee or

representative and that approval has not been revoked and the trustee or representative has not ceased to hold office.

78. (1) Where a deed makes provision for the appointment of an approved trustee for or representative of the holders of interests issued or proposed to be issued by a company the Registrar may, subject to this section, grant his approval to the deed.

Approval of
deeds.
S.A. s. 114c.
Qsld. s. 83c.
W.A. s. 98c.

(2) The Registrar shall not grant his approval to a deed unless the deed—

- (a) complies with the requirements of this Division; and
- (b) makes provision for such other matters and things as are required by or under the regulations to be included in the deed.

(3) Within seven days after a deed has been approved under this section, the management company shall lodge in the office of the Registrar the deed, or a copy of the deed verified as prescribed by statutory declaration, and the copy shall for all purposes, in the absence of proof that it is not a true copy, be regarded as an original.

79. (1) The Minister may, subject to such terms and conditions as he thinks fit, grant his approval to a company acting as trustee or representative for the purposes of a deed.

Approval of
trustees.
N.S.W. s. 173B
S.A. s. 114d.
W.A. s. 98d.

(2) Where the Minister, having regard to the nature of the undertaking, scheme, enterprise, contract or arrangement to which a deed relates, is satisfied that in the special circumstances of the case it is impracticable to secure a company to act as trustee or representative for the purposes of the deed, the Minister may, subject to such terms and conditions as he thinks fit, grant his approval to such person or persons as he thinks fit acting as trustee or representative for the purposes of the deed.

(3) The Minister may, at any time, by reason of a breach of a term or condition subject to which the approval was granted or for any other reason, revoke an approval granted by him under this section or under any corresponding previous enactment.

80. (1) A deed shall, for the purposes of paragraph (a) of subsection (2) of section 78, contain covenants to the following effect, namely—

Covenants to
be included in
deeds.
N.S.W. s. 173F
S.A. s. 114e.
Qsld. s. 83e.
W.A. s. 98e.

- (a) a covenant binding the management company that it will use its best endeavours to carry on and conduct its business in a proper and efficient manner and to ensure that any undertaking, scheme or enterprise to which the deed relates is carried on and conducted in a proper and efficient manner;

- (b) covenants binding the management company—
- (i) that the management company will pay to the trustee or representative, within thirty days after their receipt by the company, any moneys that, under the deed, are payable by the company to the trustee or representative ;
 - (ii) that the management company will not sell any interest to which the deed relates otherwise than at a price calculated in accordance with the provisions of the deed ;
 - (iii) that the management company will, at the request of the holder of an interest, purchase that interest from the holder and that the purchase price will be a price calculated in accordance with the provisions of the deed ; and
 - (iv) that the management company will not, without the approval of the trustee or representative, publish or cause to be published any advertisement, circular or other document containing any statement with respect to the sale price of interests to which the deed relates or the yield therefrom or containing any invitation to buy interests ;
- (c) covenants binding the trustee or representative that the trustee or representative will—
- (i) exercise all due diligence and vigilance in carrying out the functions and duties of the trustee or representative and in watching the rights and interests of the holders of the interests to which the deed relates ;
 - (ii) keep or cause to be kept proper books of account in relation to those interests ;
 - (iii) cause those accounts to be audited at the end of each financial year by a registered company auditor ; and
 - (iv) send or cause to be sent by post a statement of the accounts with the report of the auditor thereon within two months of the end of the financial year, to each of the holders of those interests ;
- (d) a covenant binding the management company and the trustee or representative, respectively, that no moneys available for investment under the deed will be invested in or lent to the management company,

or to the trustee or representative, or to any company (other than a banking corporation or a corporation declared pursuant to paragraph (b) of subsection (5) of section 38 to be an authorized dealer in the short term money market) which is by virtue of subsection (5) of section 6 deemed to be related to the management company or to the trustee or representative ;

- (e) a covenant binding the management company that, to the same extent as if the trustee or representative were a director of the company, the company will—
- (i) make available to the trustee or representative, or to any registered company auditor appointed by the trustee or representative, for inspection the whole of the books of the company whether kept at the registered office or elsewhere ; and
 - (ii) give to the trustee or representative or to any such auditor such oral or written information as it or he requires with respect to all matters relating to the undertaking, scheme or enterprise of the company or any property (whether acquired before or after the date of the deed) of the company or otherwise relating to the affairs thereof ;
- (f) a covenant binding the management company that the management company will make available, or ensure that there is made available, to the trustee or representative such details as the trustee or representative requires with respect to all matters relating to the undertaking, scheme or enterprise to which the deed relates ;
- (g) covenants binding the management company and the trustee or representative, respectively, that the management company or the trustee or representative, as the case may be, will not exercise the right to vote in respect of any shares relating to the interests to which the deed relates held by the management company, trustee or representative at any election for directors of a corporation whose shares are so held, without the consent of the majority of the holders of the interests to which the deed relates present in person and voting given at a meeting of those holders summoned in the manner provided for in sub-paragraphs (i) and (ii) of paragraph (h) of this subsection for the purpose of authorizing the exercise of the right at the next election ; and

(h) a covenant binding the management company that the management company will within twenty-one days after an application is delivered to the company at its registered office, being an application by not less than fifty, or one-tenth in number, whichever is the less, of the holders of the interests to which the deed relates—

(i) by sending notice by post of the proposed meeting at least seven days before the proposed meeting to each of those holders at his last known address or in the case of joint holders to the joint holder whose name stands first in the company's records ; and

(ii) by publishing at least fourteen days before the proposed meeting an advertisement giving notice of the meeting in a daily newspaper circulating generally throughout the State,

summon a meeting of the holders for the purpose of laying before the meeting the accounts and balance-sheet which were laid before the last preceding annual general meeting of the management company or the last audited statement of accounts of the trustee or representative, and for the purpose of giving to the trustee or representative such directions as the meeting thinks proper.

(2) A meeting summoned for the purposes of a covenant contained in a deed in pursuance of paragraph (g) or (h) of subsection (1) of this section shall be held at the time and place specified in the notice and advertisement, being a time not later than two months after the giving of the notice, under the chairmanship of—

(a) such person as is appointed in that behalf by the holders of the interests to which the deed relates present at the meeting ; or

(b) where no such appointment is made, a nominee of the trustee or representative approved by the Registrar,

and shall be conducted in accordance with the provisions of the deed or, insofar as the deed makes no provision, as directed by the chairman of the meeting.

(3) Notwithstanding anything to the contrary contained in an approved deed, the undertaking, scheme, enterprise, contract or arrangement to which the deed relates may be continued in operation or existence if it appears to be in the interests of the

holders of the interests to which the deed relates during such period as is or such periods as are agreed upon by the trustee or representative and the management company.

(4) Where a direction is given to the trustee or representative at a meeting summoned pursuant to a covenant complying with paragraph (h) of subsection (1) of this section, the trustee or representative—

(a) shall comply with the direction unless it is inconsistent with the deed or this Act; and

(b) shall not be liable for anything done or omitted to be done by it by reason only of its following that direction.

(5) Where the trustee or representative is of the opinion that any direction so given is inconsistent with the deed or this Act or is otherwise objectionable, the trustee or representative may apply to the Court for an order confirming, setting aside or varying the direction and the Court may make such order as it thinks fit.

81. No person, except a company or an agent of a company authorized in that behalf under the seal of the company, shall issue, or offer to the public for subscription or purchase or shall invite the public to subscribe for or purchase, any interest.

Interests to be issued by companies only.

N.S.W. s. 173B.
S.A. s. 114f.
Qsld. s. 83F.
W.A. s. 98F.

82. (1) Before a company or an agent of a company issues, or offers to the public for subscription or purchase or invites the public to subscribe for or purchase, any interest, the company shall issue or cause to be issued a statement in writing in connection therewith which statement shall for all purposes be deemed to be a prospectus issued by a company, and subject to subsection (2) of this section, all provisions of this Act and rules of law relating to prospectuses or to the offering or to an intended offering of shares for subscription or purchase to the public shall with such adaptations as are necessary apply and have effect accordingly as if the interest were shares offered or intended to be offered to the public for subscription or purchase and as if persons accepting any offer or invitation in respect of or subscribing for or purchasing any such interest were subscribers for shares.

Statement to be issued.

N.S.W. s. 173c
S.A. s. 114g.
Qsld. s. 83G.
W.A. s. 98g.

(2) Subject to subsection (3) of this section, the statement shall set out—

(a) the matters and reports specified in the Seventh Schedule; and

(b) such other matters as are required by or under the regulations to be set out in the statement,

with such adaptations as the circumstances of each case require and the Registrar approves.

PART IV.

DIVISION V.

(3) A matter or report referred to in subsection (2) of this section may be omitted from a statement if, having regard to the nature of the interest, the Registrar is of the opinion that the matter or report is not appropriate for inclusion in the statement and has by writing under his hand approved the omission.

No issue
without
approved deed.
N.S.W. s. 173D.
S.A. s. 114H.
Qsld. s. 83H.
W.A. s. 98H.

83. (1) A person shall not issue, or offer to the public for subscription or purchase or invite the public to subscribe for or purchase, any interest unless, at the time of the issue, offer or invitation, there is in force, in relation to the interest, a deed that is an approved deed.

(2) A person shall not in any deed, prospectus, statement, advertisement or other document relating to any interest make any reference to an approval of a deed or of a trustee or representative granted under this Division.

Register of
interest
holders.

84. (1) The management company shall in respect of each deed with which the company is concerned keep a register of the holders of interests under the deed and enter therein—

- (a) the names and addresses of the holders ;
- (b) the extent of the holding of each holder and, if his interest consists of a specific interest in any property, a description of the property and its location sufficient to identify it ;
- (c) the date at which the name of each person was entered in the register as a holder ; and
- (d) the date at which any person ceased to be a holder.

(2) The provisions of Division IV of Part V shall so far as are applicable and with such adaptations as are necessary apply to and in relation to the register.

(3) A management company which—

- (a) keeps a register of holders of interests at a place within three miles of the office of the Registrar ; and
- (b) provides reasonable accommodation and facilities for persons to inspect and take copies of its list of interest holders,

need not comply with the provision of paragraph (a) of subsection (1) of section 85 in relation to the deed under which the interests are held unless the Governor by order published in the *Government Gazette* otherwise directs.

Returns,
information,
etc., relating
to interests.
N.S.W. s. 173G.
S.A. s. 114J.
Qsld. s. 83J.
W.A. s. 98J.

85. (1) Where a deed is or has at any time been an approved deed, the management company shall, so long as the deed or any deed in substitution in whole or in part for the deed, remains in force, lodge with the Registrar, within two months after the end of each financial year applicable to the deed—

- (a) a return in the prescribed form containing a list of all persons who, at the end of the financial year, were holders of the interests to which the deed relates, showing the name and address of each holder and the extent of his holding and, if his interest consists of a specific interest in any property, a description of the property and its location sufficient to identify it ;
- (b) a summary of—
- (i) all purchases and sales of land and marketable securities affecting the interests of the holders during the financial year ; and
 - (ii) all other investments affecting the interests of the holders made during the financial year, showing the descriptions and quantities of those investments ;
- (c) a statement of the total amount of brokerage affecting the interests of the holders paid or charged by the management company during the financial year and the proportion thereof paid to any stock or share broker, or any partner, employee or nominee of any stock or share broker, who is an officer of the company and the proportion retained by the company ;
- (d) a list of all parcels of land and marketable securities, and other investments, held by the trustee or representative in relation to the deed, as at the end of the financial year, showing the value of the land, securities or other investments and the basis of valuations ; and
- (e) such other statements and particulars (if any) as may be prescribed.

(2) Any document required to be lodged with the Registrar by the management company under subsection (1) of this section shall be signed by at least one director of the management company.

(3) A company to which subsection (1) of this section applies shall, if so requested by any holder of an interest to which the deed relates within a period of one month after the end of the financial year, send by post or cause to be sent by post to the holder, within two months after the end of the financial year, a copy of the documents which the company is required to lodge with the Registrar by virtue of paragraphs (b) to (e) (inclusive) of subsection (1) of this section.

PART IV.

DIVISION V.

Penalty for
contravention
of Division,
etc.

N.S.W. s. 173I.
S.A. ss. 114k,
114l.
Qld. ss. 83K,
83L.
W.A. ss. 98K,
98L.

Winding up
of schemes,
etc.

86. (1) A person shall not—

- (a) contravene or fail to comply with a provision of this Division ; or
- (b) fail to comply with a covenant contained or deemed to be contained in any deed that is or at any time has been an approved deed.

Penalty : Imprisonment for twelve months or five hundred pounds.

(2) A person shall not be relieved from any liability to any holder of an interest by reason of any contravention of, or failure to comply with, a provision of this Division.

87. (1) Where the management company under a deed is in liquidation or where, in the opinion of the trustee or representative, the management company has ceased to carry on business or has, to the prejudice of holders of interests to which the deed relates, failed to comply with any provision of the deed, the trustee or representative shall summon a meeting of the holders.

(2) A meeting under subsection (1) of this section shall be summoned—

- (a) by sending by post notice of the proposed meeting at least twenty-one days before the proposed meeting, to each holder at his last known address, or, in the case of joint holders, to the joint holder whose name stands first in the company's records ; and
- (b) by publishing, at least twenty-one days before the proposed meeting, an advertisement giving notice of the meeting in a daily newspaper circulating generally throughout the State.

(3) The provisions of subsection (2) of section 80 shall apply to such a meeting as if the meeting were a meeting referred to in that subsection.

(4) If at any such meeting a resolution is passed by a majority of not less than three-fourths in value of the holders of the interests present in person and voting at the meeting that the undertaking, scheme, enterprise, contract or arrangement to which the deed relates be wound up, the trustee or representative shall apply to the Court for an order confirming the resolution.

(5) On an application by the trustee or representative the Court may, if it is satisfied that it is in the interest of the holders of the interests, confirm the resolution and may make such orders as it thinks necessary or expedient for the effective winding up of the undertaking, scheme, enterprise, contract or arrangement.

PART IV.
DIVISION V.

88. (1) The Minister may, by notice published in the *Government Gazette*, exempt any company, subject to such terms and conditions as are specified in the notice, from complying with all or any of the provisions of this Division in relation to any interest, or class of interests, specified in the notice, and may, by notice published in the *Government Gazette*, revoke such a notice or vary it in such manner as he thinks fit.

Power to exempt from compliance with Division and non-application of Division in certain circumstances.
Qsld. s. 88M.
S.A. s. 114m.
W.A. s. 98M.

(2) This Division shall not apply in the case of the sale of any interest by a personal representative, liquidator, receiver or trustee in bankruptcy in the normal course of realization of assets.

Non-application of Division to personal representatives, etc.

89. (1) Subject to this section, any provision contained in a deed that is or at any time has been an approved deed, or in any contract with the holders of interests to which such a deed relates, shall be void in so far as it would have the effect of exempting a trustee or representative under the deed from, or indemnifying such trustee or representative against, liability for breach of trust where the trustee or representative fails to show the degree of care and diligence required of a trustee or representative having regard to the provisions of the deed conferring on the trustee or representative any powers, authorities or discretions.

Liability of trustees.
U.K. s. 88.
S.A. s. 114n.
Qsld. s. 89N.
W.A. s. 98N.

(2) Subsection (1) of this section shall not invalidate—

(a) any release otherwise validly given in respect of anything done or omitted to be done by a trustee or representative before the giving of the release; or

(b) any provision enabling such a release to be given—

(i) on the agreement thereto of a majority of not less than three-fourths in nominal value of holders of interests present in person and voting at a meeting summoned for the purpose; and

(ii) either with respect to specific acts or omissions or on the trustee or representative ceasing to act.

DIVISION VI.—TITLE AND TRANSFERS.

DIVISION VI.

90. The shares or other interest of any member in a company shall be personal estate, transferable in the manner provided by the articles, and shall not be of the nature of real estate.

Nature of shares.
U.K. s. 73.
N.S.W. s. 174.
Vic. s. 64.
Qsld. s. 74.
S.A. s. 83 (1).
W.A. s. 81.
Tas. s. 63.

PART IV.

DIVISION VI.

Numbering
of shares.

U.K. s. 74.
N.S.W. s. 174.
Vic. s. 65.
Qsld. s. 74.
S.A. s. 83 (2).
W.A. s. 81.
Tas. s. 64.

91. (1) Each share in a company shall be distinguished by an appropriate number.

(2) Notwithstanding subsection (1) of this section—

- (a) if at any time all the issued shares in a company or all the issued shares therein of a particular class are fully paid up and rank equally for all purposes, none of those shares need thereafter have a distinguishing number so long as each of those shares remains fully paid up and ranks equally for all purposes with all shares of the same class for the time being issued and fully paid up ; or
- (b) if all the issued shares in a company are evidenced by certificates in accordance with the provisions of section 92 and each certificate is distinguished by an appropriate number and that number is recorded in the register of members, none of those shares need have a distinguishing number.

Certificate to
be evidence
of title.

U.K. s. 81.
N.S.W. s. 180.
Vic. s. 66.
Qsld. s. 80.
S.A. ss. 90, 177.
W.A. s. 87 (4).
Tas. s. 65.

92. (1) A certificate under the common or official seal of a company specifying any shares held by any member of the company shall be *prima facie* evidence of the title of the member to the shares.

(2) Every share certificate shall be under the common seal of the company or (in the case of a share certificate relating to shares on a branch register) the common or official seal of the company and shall state—

- (a) the name of the company and the authority under which the company is constituted ;
- (b) the address of the registered office of the company in the State, or, where the certificate is issued by a branch office, the address of that branch office ; and
- (c) the nominal value and the class of the shares and the extent to which the shares are paid up.

(3) Failure to comply with this section shall not affect the rights of any holder of shares.

(4) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Company may
have duplicate
common seal.
Vic. s. 66. (4).

93. A company may, if authorized by its articles, have a duplicate common seal which shall be a facsimile of the common seal of the company with the addition on its face of the words "Share Seal" and a certificate under such duplicate seal shall be deemed to be sealed with the common seal of the company for the purposes of this Act.

94. (1) Subject to subsection (2) of this section, where a certificate or other document of title to shares or debentures is lost or destroyed, the company shall on payment of a fee not exceeding five shillings issue a duplicate certificate or document in lieu thereof to the owner on his application accompanied by—

- (a) a statutory declaration that the certificate or document has been lost or destroyed, and has not been pledged, sold or otherwise disposed of, and, if lost, that proper searches have been made; and
- (b) an undertaking in writing that if it is found or received by the owner it will be returned to the company.

(2) The directors of the company may, before accepting an application for the issue of a duplicate certificate or document, require the applicant—

- (a) to cause an advertisement to be inserted in a daily newspaper circulating in a place specified by the directors stating that the certificate or document has been lost or destroyed and that the owner intends after the expiration of fourteen days after the publication of the advertisement to apply to the company for a duplicate; or
- (b) to furnish a bond for an amount equal to at least the current market value of the shares or debentures indemnifying the company against loss following on the production of the original certificate or document,

or may require the applicant to do both of those things.

95. (1) Notwithstanding anything in its articles a company shall not register a transfer of shares or debentures unless a proper instrument of transfer has been delivered to the company, but this subsection shall not prejudice any power to register as a shareholder or debenture holder any person to whom the right to any shares in or debentures of the company has been transmitted by operation of law.

(2) A transfer of the share, debenture or other interest of a deceased member made by his personal representative shall, although the personal representative is not himself a member of the company, be as valid as if he had been such a member at the time of the execution of the instrument of transfer.

(3) Where the personal representative of a deceased member duly constituted as such under the law of any other State or Territory of the Commonwealth—

Loss or destruction of certificates.

N.S.W. s. 182.
Vic. s. 66 (3).
S.A. s. 379.
W.A. s. 414.
Tas. s. 65.

Instrument of transfer.

U.K. ss. 75, 76, 82.
N.S.W. ss. 175, 176, 181.
Vic. s. 67.
Qsld. ss. 75, 76.
S.A. ss. 84, 85, 91.
W.A. ss. 82, 83, 89.
Tas. s. 66.

Transfer by personal representatives.

s. 95. ALEXANDER v. CARO (1888) 22 S.A.L.R. 134; 3 Austn. Digest 1178. Held under The Companies Act, 1864, that a transferor of shares in a limited company was entitled to be indemnified by the transferee against calls made subsequent to the transfer and while the transferor's name appeared on the register, notwithstanding that the transfer was in blank and the transferee had parted with the shares.

- (a) executes an instrument of transfer of a share or debenture of the deceased member to himself or to another person; and
- (b) delivers the instrument to the company, together with an affidavit made by him to the effect that, to the best of his knowledge, information and belief, no grant of representation of the estate of the deceased member has been applied for or made in the State and no application for such a grant will be made, being an affidavit sworn within the period of fourteen days immediately preceding the date of delivery of the affidavit to the company,

the company shall register the transfer and pay to the personal representative any dividends or other moneys accrued in respect of the share or debenture up to the time of the execution of the instrument, but this subsection shall not operate so as to require the company to do any act or thing which it would not have been required to do if the personal representative were the personal representative of the deceased member duly constituted under the law of this State.

(4) Any transfer or payment made in pursuance of subsection (3) of this section, and any receipt or acknowledgment of such a payment, shall for all purposes be as valid and effectual as if the personal representative were the personal representative of the deceased member duly constituted under the law of this State.

(5) The production to a company of any document which is under the law of the State or under the law of any other State or Territory of the Commonwealth sufficient evidence of probate of the will, or letters of administration of the estate, of a deceased person having been granted to some person shall be accepted by the company, notwithstanding anything in its articles, as sufficient evidence of the grant.

Registrations
of transfer at
request of
transferor.

U.K. s. 77.
N.S.W. s. 177.
Vic. s. 68.
Qld. s. 77.
S.A. ss. 86, 88.
W.A. ss. 84, 86.
Tas. s. 67.

96. (1) On the request in writing of the transferor of any share, debenture or other interest in a company, the company shall enter in the appropriate register the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

(2) On the request in writing of the transferor of a share or debenture, the company shall by notice in writing require the person having the possession, custody or control of the share

s. 96. *FAWCETT v. INGLEWOOD MINING VENTURE, LIMITED* (1872) 6 S.A.L.R. 15; 3 Austn. Digest 759. Held under the Companies Act, 1864, that *mandamus* will lie to compel a company to register a transfer of shares.

In the matter of the Companies Act, 1864, and Act No. 22 of 1870-1, and of the *BALHANNAH MINING COMPANY LIMITED* and of the petition of *W. T. DALWOOD* (1877) 11 S.A.L.R. 52; 3 Austn. Digest 765. A company is not bound to register a transfer which is not *bona fide*.

certificate or debenture and the instrument of transfer thereof or either of them to bring it or them into the office of the company within a stated period, being not less than seven and not more than twenty-eight days after the date of the notice, to have the share certificate or debenture cancelled or rectified and the transfer registered or otherwise dealt with.

(3) If any person refuses or neglects to comply with a notice given under subsection (2) of this section the transferor may apply to a judge to issue a summons for that person to appear before the Court and show cause why the documents mentioned in the notice should not be delivered up or produced as required by the notice.

(4) Upon appearance of a person so summoned the Court may examine him upon oath and receive other evidence, or if he does not appear after being duly served with such summons, the Court may receive evidence in his absence and in either case the Court may order him to deliver up such documents to the company upon such terms or conditions as to the Court seem fit, and the costs of the summons and proceedings thereon shall be in the discretion of the Court.

(5) Lists of share certificates or debentures called in under this section and not brought in shall be exhibited in the office of the company and shall be advertised in the *Government Gazette* and in such newspapers and at such times as the company thinks fit.

97. (1) If a company refuses to register a transfer of any shares, debentures or other interests in the company it shall, within two months after the date on which the transfer was lodged with it, send to the transferee notice of the refusal.

Notice of refusal to register transfer.

U.K. s. 78.
N.S.W. s. 178.
Vic. s. 69.
Qsld. s. 78.
S.A. s. 87.
W.A. s. 85.
Tas. s. 68.

(2) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

98. (1) The certification by a company of any instrument of transfer of shares, debentures or other interests in the company shall be taken as a representation by the company to any person acting on the faith of the certification that there have been produced to the company such documents as on the face of them show a *prima facie* title to the shares, debentures or other interests in the transferor named in the instrument of transfer but not as a representation that the transferor has any title to the shares, debentures or other interests.

Certification of transfers.

U.K. s. 79.
Vic. s. 70.
Tas. s. 69.

(2) Where any person acts on the faith of a false certification by a company made negligently, the company shall be under the same liability to him as if the certification had been made fraudulently.

(3) Where any certification is expressed to be limited to forty-two days or any longer period from the date of certification, the company and its officers shall not in the absence of fraud be liable in respect of the registration of any transfer of shares, debentures or other interests comprised in the certification after the expiration of the period so limited or any extension thereof given by the company if the instrument of transfer has not within that period been lodged with the company for registration.

(4) For the purposes of this section—

(a) an instrument of transfer shall be deemed to be certificated if it bears the words “certificate lodged” or words to the like effect ;

(b) the certification of an instrument of transfer shall be deemed to be made by a company if—

(i) the person issuing the instrument is a person authorized to issue certificated instruments of transfer on the company’s behalf ; and

(ii) the certification is signed by a person authorized to certificate transfers on the company’s behalf or by any officer either of the company or of a corporation so authorized ; and

(c) a certification that purports to be authenticated by a persons’s signature or initials (whether hand-written or not) shall be deemed to be signed by him unless it is shown that the signature or initials were not placed there by him and were not placed there by any other person authorized to use the signature or initials for the purpose of certificating transfers on the company’s behalf.

99. (1) Every company shall, within two months after the allotment of any of its shares or debentures, and within one month after the date on which a transfer (other than such a transfer as the company is for any reason entitled to refuse to register and does not register) of any of its shares or debentures is lodged with the company, complete and have ready for delivery all the appropriate certificates and debentures in connection with the allotment or transfer, unless the conditions of issue of the shares or debentures otherwise provide.

(2) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(3) If any company on which a notice has been served requiring the company to make good any default in complying with the provisions of this section fails to make good the default

Duties of company with respect to issue of certificates.

U.K. s. 80.
N.S.W. s. 179.

Vic. s. 71.

Qld. s. 79.

S.A. s. 89.

W.A. s. 87.

Tas. s. 70.

Power of Court where default in issue of certificates.

within ten days after the service of the notice, the Court may, on the application of the person entitled to have the certificates or the debentures delivered to him, make an order directing the company and any officer of the company to make good the default within such time as is specified in the order, and the order may provide that all costs of and incidental to the application shall be borne by the company or by any officer of the company in default in such proportions as the Court thinks fit.

DIVISION VII.—REGISTRATION OF CHARGES.

DIVISION VII.

100. (1) Subject to this Division, where a charge to which this section applies is created by a company, there shall be lodged with the Registrar for registration within thirty days after the creation of the charge a statement in the prescribed form and—

Registration of charges.
U.K. s. 95.
N.S.W. ss. 185, 192.
Vic. s. 72.
Qsld. ss. 84, 85.
S.A. ss. 99, 100, 108, 109.
Tas. s. 71.

- (a) the instrument (if any) by which the charge is created or evidenced; or
- (b) a copy thereof together with a statutory declaration in the prescribed form verifying the execution of the charge and also verifying the copy as being a true copy of the instrument,

and if this section is not complied with in relation to the charge, the charge shall, so far as any security on the company's property or undertaking is thereby conferred, be void as against the liquidator and any creditor of the company.

(2) Nothing in subsection (1) of this section shall prejudice any contract or obligation for repayment of the money secured by a charge and when a charge becomes void under this section the money secured thereby shall immediately become payable.

(3) The charges to which this section applies are—

- (a) a charge (other than a charge solely on land) to secure any issue of debentures;

s. 100. In *re* COMMONWEALTH AGRICULTURAL SERVICE ENGINEERS LIMITED (1928) S.A.S.R. 342; 3 Austn. Digest 874. Effect of debenture covering assets of company in another State and registered in South Australia, but not in the other State, considered.

In *re* W. F. LE CORNU LIMITED—THE LIQUIDATOR V. FEDERAL TRADERS LIMITED AND OTHERS (1931) S.A.S.R. 425; 1 Austn. Digest 1107, 1114, 1125; 3 Austn. Digest 870; 10 Austn. Digest 245. An assignment by the company (by way of security) of goods let out by the company on hire purchase and in the possession of the hire-purchasers held to be an instrument which if executed by an individual would require registration as a bill of sale. An assignment by the company of the moneys owing and accruing due to it under hire-purchase agreements held to be an assignment of book debts.

In *re* FADA (AUSTRALIA) LIMITED (1932) S.A.S.R. 134; 1 Austn. Digest 1119, 1182; 3 Austn. Digest 873. An agreement to indorse and pledge documents of title to goods as security for a loan, held not to be a document which would require registration as a bill of sale.

In *re* LAWSON CONSTRUCTIONS (PTY.) LIMITED (1942) S.A.S.R. 201. Held that as a transaction was an assignment and not a hypothecation it was not void for want of registration under section 100 of the Companies Act, 1934.

- (b) a charge on uncalled share capital of a company ;
- (c) a charge or an assignment created or evidenced by an instrument which, if executed by an individual, would be invalid or of limited effect if not filed or registered under—
 - (i) The Bills of Sale Act, 1886, as amended ;
 - (ii) the Liens on Fruit Act, 1923, as amended ; or
 - (iii) the Stock Mortgages and Wool Liens Act, 1924, as amended ;
- (d) a floating charge on the undertaking or property of a company ;
- (e) a charge on calls made but not paid ;
- (f) a charge on a ship or aircraft or any share in a ship or aircraft ;
- (g) subject to any law of the Commonwealth, a charge on goodwill, on a patent or licence under a patent, on a trade mark, or on a copyright or a licence under a copyright ; and
- (h) a charge on the book debts of a company.

(4) Where a charge created in the State affects property outside the State, the instrument creating or purporting to create the charge, or a copy thereof accompanied by the verifying statutory declaration, may be lodged for registration under and in accordance with subsection (1) of this section notwithstanding that further proceedings may be necessary to make the charge valid or effectual according to the law of the place in which the property is situate.

(5) When a series of debentures containing or giving by reference to any other instrument any charge to the benefit of which the debenture holders of that series are entitled equally is created by a company, it shall be sufficient if there are lodged with the Registrar for registration within thirty days after the execution of the instrument containing the charge, or if there is no such instrument, after the execution of the first debenture of the series, a statement in the prescribed form containing the following particulars—

- (a) the total amount secured by the whole series ;
- (b) the dates of the resolutions authorizing the issue of the series and the date of the covering instrument (if any) by which the security is created or defined ;
- (c) a general description of the property charged ; and
- (d) the names of the trustee (if any) for the debenture holders,

together with—

- (e) the instrument containing the charge ; or

(f) a copy of the instrument and a statutory declaration verifying the execution of the instrument and verifying the copy to be a true copy ; or

(g) if there is no such instrument, a copy of one of the debentures of the series and a statutory declaration verifying the copy to be a true copy.

(6) For the purposes of subsection (5) of this section, where more than one issue is made of debentures in the series, there shall be lodged within thirty days after each issue particulars in the prescribed form of the date and amount of each issue, but an omission so to do shall not affect the validity of the debentures issued.

(7) Where any commission, allowance or discount has been paid or made either directly or indirectly by a company to any person in consideration of his, whether absolutely or conditionally, subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any debentures, the particulars required to be lodged under this section shall include particulars as to the amount or rate per centum of the commission, allowance or discount so paid or made, but omission so to do shall not affect the validity of the debentures issued.

(8) The deposit of any debentures as security for any debt of the company shall not for the purposes of subsection (7) of this section be treated as the issue of the debentures at a discount.

(9) Notwithstanding anything in any other Act, a charge requiring registration under this section need not be filed or registered and shall not be subject to avoidance under The Bills of Sale Act, 1886, as amended, the Liens on Fruit Act, 1923, as amended, or the Stock Mortgages and Wool Liens Act, 1924, as amended, and upon registration under this Division such a charge which, but for this subsection, would need to be filed or registered under any of those Acts, shall for all purposes have effect and be as valid and effectual as if it had been duly filed or registered thereunder.

(10) Where a charge requiring registration under this section is created before the lapse of thirty days after the creation of a prior unregistered charge, and comprises all or any part of the property comprised in the prior charge, and the subsequent charge is given as a security for the same debt as is secured by the prior charge, or any part of that debt, then to the extent to which the subsequent charge is a security for the same debt or part thereof, and so far as respects the property comprised in the prior charge, the subsequent charge shall not be operative or have any validity unless it is proved to the satisfaction of the Court that it was given in good faith for the purpose of correcting some material error in the prior charge or under other proper circumstances and not for the purposes of avoiding or evading the provisions of this Division.

PART IV.

DIVISION VII.

Duty to register charges.

U.K. s. 96.
N.S.W. s. 186.
Vic. s. 73.
Qsld. s. 85 (6).
S.A. s. 101.
Tas. s. 72.

101. (1) Documents and particulars required to be lodged for registration in accordance with section 100 may be lodged for registration by the company concerned or by any person interested in the documents, but if default is made in complying with that section the company and every officer of the company who is in default shall be guilty of an offence against this Act. Penalty : Fifty pounds. Default penalty.

(2) Where registration is effected by some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him on the registration.

Duty of company to register charges existing on property acquired.

U.K. s. 97.
Vic. s. 74.
Qsld. s. 87.
S.A. s. 102.
Tas. s. 73.

102. (1) Where—

- (a) a company acquires any property which is subject to a charge of any such kind as would, if it had been created by the company after the acquisition of the property, have been required to be registered under this Division ;
- (b) a foreign company becomes registered in this State and has, prior to such registration, created a charge which, if it had been created by the company while it was registered in the State, would have been required to be registered under this Division ; or
- (c) a foreign company becomes registered in this State and has, prior to such registration, acquired property which is subject to a charge of any such kind as would, if it had been created by the company after the acquisition and while it was registered in the State, have been required to be registered under this Division,

the company shall cause a statement in the prescribed form and the instrument, or a copy of the instrument, by which the charge was created or is evidenced (together with a statutory declaration in the prescribed form), to be lodged with the Registrar for registration within thirty days after the date on which the acquisition is completed or the date of the registration of the company in the State as the case may be.

(2) If default is made in complying with this section, the company or the foreign company and every officer of the company or foreign company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Register of charges to be kept by Registrar.

U.K. s. 98.
N.S.W. s. 187.
Vic. s. 75.
Qsld. s. 86.
S.A. s. 103.
Tas. s. 74.

103. (1) The Registrar shall keep a register of all the charges lodged for registration under this Division and shall enter in the register with respect to those charges the following particulars—

(a) in the case of a charge to the benefit of which the holders of a series of debentures are entitled, such particulars as are required to be contained in a statement furnished under subsection (5) of section 100; and

(b) in the case of any other charge—

- (i) if the charge is a charge created by the company, the date of its creation, and if the charge was a charge existing on property acquired by the company the date of the acquisition of the property;
- (ii) the amount secured by the charge;
- (iii) a description sufficient to identify the property charged; and
- (iv) the name of the person entitled to the charge.

(2) The Registrar shall issue a certificate in the prescribed form of every registration stating, if applicable, the amount secured by the charge and the certificate shall be conclusive evidence that the requirements as to registration have been complied with.

104. (1) The company shall cause to be endorsed on every debenture forming one of a series of debentures, or certificate of debenture stock which is issued by the company and the payment of which is secured by a charge so registered—

- (a) a copy of the certificate of registration; or
- (b) a statement that the registration has been affected and the date of registration.

Endorsement
of certificate
of registration
on debentures.
U.K. s. 90.
N.S.W. s. 188.
Vic. s. 76.
Qsld. s. 85 (5).
S.A. s. 104.
Tas. s. 75.

(2) Subsection (1) of this section shall not apply to any debenture or certificate of debenture stock which has been issued by the company before the charge was registered.

(3) Every person who knowingly and wilfully authorizes or permits the delivery of any debenture or certificate of debenture stock which is not endorsed as required by this section shall be guilty of an offence against this Act.

Penalty: One hundred pounds.

105. (1) Where, with respect to any registered charge—

- (a) the debt for which the charge was given has been paid or satisfied in whole or in part; or
- (b) the property or undertaking charged or any part thereof has been released from the charge or has ceased to form part of the company's property or undertaking of the company concerned,

Entries of
satisfaction
and release of
property from
charge.
U.K. s. 100.
N.S.W. s. 189.
Vic. s. 77.
Qsld. s. 93.
S.A. s. 105.
Tas. s. 76.

the company may lodge with the Registrar in the prescribed form a memorandum of satisfaction in whole or in part, or of the fact that the property or undertaking or any part thereof has been released from the charge or has ceased to form part of the company's property or undertaking, as the case may be, and the Registrar shall enter particulars of that memorandum in the register.

(2) The memorandum shall be verified by a statutory declaration in the prescribed form and be supported by such evidence as the Registrar may require to satisfy him of the payment, satisfaction, release or ceasing referred to in subsection (1) of this section.

Extension of time and rectification of register of charges.

U.K. s. 101.
N.S.W. s. 190.
Vic. s. 78.
Qsld. s. 92.
S.A. s. 106.
Tas. s. 77.

106. The Court, on being satisfied that the omission to register a charge (whether under this or any corresponding previous enactment) within the time required or that the omission or mis-statement of any particular with respect to any such charge or in a memorandum of satisfaction was accidental or due to inadvertence or to some other sufficient cause or is not of a nature to prejudice the position of creditors or shareholders or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested and on such terms and conditions as seem to the Court just and expedient, order that the time for registration be extended or that the omission or mis-statement be rectified.

Company to keep copies of charging instruments and register of charges.

U.K. ss. 103-105.
N.S.W. ss. 193-198.
Vic. s. 80.
Qsld. s. 95.
S.A. ss. 110-112.
W.A. ss. 95-97.
Tas. s. 79.

107. (1) Every company shall cause a copy of every instrument creating any charge requiring registration under this Division to be kept at the registered office of the company but in the case of a series of debentures the keeping of a copy of one debenture of the series shall be sufficient for the purposes of this subsection.

(2) Every company shall keep at the registered office of the company a register of charges and enter therein all charges specifically affecting property of the company and all floating charges on the undertaking or any property of the company, giving in each case a short description of the property charged the amount of the charge and (except in the case of securities to bearer) the names of the persons entitled thereto.

(3) The copies of instruments and the register of charges kept in pursuance of this section shall be open to the inspection of any creditor or member of the company without fee, and the register of charges shall also be open to the inspection of any other person on payment of such fee not exceeding five shillings for each inspection as is fixed by the company.

(4) If default is made in complying with any of the provisions of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act. Penalty : One hundred pounds. Default penalty.

108. Where under this Division an instrument, deed, statement or other document is required to be lodged with the Registrar within a specified time, the time so specified shall, by force of this section, in relation to an instrument, deed, statement or other document executed or made in a place out of the State, be extended by seven days or such further period as the Registrar may from time to time allow.

Documents
made out of
the State.
Vic. s. 72 (1).
S.A. s. 100 (4).

109. Except as is otherwise expressly provided in this Act this Division shall apply to any charge that at the date of the commencement of this Act was registrable under the repealed Act but which at that date was not registered under that Act.

Charges,
etc., created
before
commence-
ment of Act.
Cf. S.A. s. 114.

110. A reference in this Division to a company shall be read as including a reference to a foreign company to which Division III of Part XI applies, but nothing in this Division applies to a charge on property outside the State of a foreign company.

Application
of Division.
N.S.W. s. 198.
Vic. s. 308 (2).
S.A. s. 113.

PART V.
MANAGEMENT AND ADMINISTRATION.

DIVISION I.—OFFICE AND NAME.

Registered
office of
company.U.K. s. 107.
N.S.W. s. 75.
Vic. s. 95.
Qsld. s. 104.
S.A. s. 115,
(1), (2), (3).
W.A. s. 99.
Tas. s. 80.

111. (1) A company shall as from the day on which it begins to carry on business or as from the fourteenth day after the date of its incorporation, whichever is the earlier, have a registered office within the State to which all communications and notices may be addressed and which shall be open and accessible to the public for not less than three hours between the hours of nine o'clock in the morning and five o'clock in the evening each day, Saturdays, Sundays, and holidays excepted.

(2) If default is made in complying with subsection (1) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Office
hours.U.K. s. 107.
N.S.W. s. 75.
Vic. s. 95.
Qsld. s. 104.
S.A. s. 115, (4).
W.A. s. 99.
Tas. s. 80.

112. (1) Notice in the prescribed form of the situation of the registered office, the days and hours during which it is open and accessible to the public, and of any change therein shall be lodged with the Registrar within one month after the date of incorporation or of any such change, as the case may be, but no notice of the days and hours during which the office is open and accessible to the public shall be required if the office is open for at least five hours between ten o'clock in the forenoon and four o'clock in the afternoon of each day, Saturdays, Sundays and holidays excepted.

Penalty.

(2) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Publication
of name.U.K. s. 108.
N.S.W. s. 76.
Vic. s. 96.
Qsld. s. 105.
S.A. s. 117.
W.A. s. 101.
Tas. s. 81.

113. (1) The name of a company shall appear in legible characters on—

(a) its seal ; and

(b) all business letters, statements of account, invoices, official notices, publications, bills of exchange, promissory notes, endorsements, cheques, orders, receipts and letters of credit of or purporting to be issued or signed by or on behalf of the company,

and if default is made in complying with this subsection the company shall be guilty of an offence against this Act.

(2) If an officer of a company or any person on its behalf—

- (a) uses, or authorizes the use of, any seal purporting to be a seal of the company whereon its name does not so appear ;
- (b) issues, or authorizes the issue of, any business letter, statement of account, invoice or official notice or publication of the company wherein its name is not so mentioned ; or
- (c) signs, issues or authorizes to be signed or issued on behalf of the company any bill of exchange, promissory note, cheque or other negotiable instrument or any indorsement, order, receipt or letter of credit wherein its name is not so mentioned,

he shall be guilty of an offence against this Act, and where he has signed, issued or authorized to be signed or issued on behalf of the company any bill of exchange, promissory note or other negotiable instrument or any indorsement thereon or order wherein that name is not so mentioned, he shall in addition be liable to the holder of the instrument or order for the amount due thereon unless it is paid by the company.

(3) Every company shall paint or affix and keep painted or affixed on the outside of every office or place in which its business is carried on, in a conspicuous position in letters easily legible, its name, and also, in the case of the registered office, the words "Registered Office" and if it fails so to do the company shall be guilty of an offence against this Act.

Name to be displayed on all offices.

Penalty : Fifty pounds. Default penalty.

DIVISION II.—DIRECTORS AND OFFICERS.

DIVISION II.

114. (1) Every public company shall have at least three directors and every proprietary company and every private company shall have at least one director.

Directors.
U.K. s. 176.
N.S.W. s. 120.
Vic. s. 97.
Qsld. s. 149.
S.A. s. 160.
W.A. s. 145.
Tas. s. 83.

(2) In the case of a public company, at least two directors shall be natural persons who ordinarily reside within the Commonwealth and in the case of a proprietary company or a private company at least one director shall be a natural person who ordinarily so resides.

(3) Subsections (1) and (2) of this section do not apply in relation to a company incorporated before the date of commencement of this Act until the expiration of a period of three months after that date, but non-compliance with this section shall not invalidate any act of, or any transaction entered into by or on behalf of, a company.

PART V.

DIVISION II.

Restrictions
on appoint-
ment or
advertisement
of director.

U.K. s. 181.
N.S.W. s. 121
Vic. s. 98.
Qsld. s. 150.
S.A. s. 161.
W.A. s. 140.
Tas. s. 84.

115. (1) A person shall not be named as a director or proposed director in the memorandum or articles of a company or in a prospectus or a statement in lieu of prospectus, unless before the registration of the memorandum or articles or the issue of the prospectus or the lodging of the statement in lieu of prospectus (as the case may be) he has, by himself or by his agent authorized in writing for the purpose, signed and lodged with the Registrar a consent in writing in the prescribed form to act as a director and—

- (a) signed the memorandum for a number of shares not less than his qualification, if any ;
- (b) signed and lodged with the Registrar an undertaking in writing in the prescribed form to take from the company and pay for his qualification shares, if any ;
- (c) made and lodged with the Registrar a statutory declaration in the prescribed form to the effect that a number of shares, not less than his qualification, if any, is registered in his name ; or
- (d) (in the case of a company formed or intended to be formed by way of reconstruction of another corporation or group of corporations or to acquire the shares in another corporation or group of corporations), made and lodged with the Registrar a statutory declaration in the prescribed form that he was a shareholder in that other corporation or in one or more of the corporations of that group, and that as a shareholder he will be entitled to receive and have registered in his name a number of shares, not less than his qualification, by virtue of the terms of an agreement relating to the reconstruction.

(2) Where a person has signed and lodged an undertaking to take and pay for his qualification shares, he shall, as regards those shares, be in the same position as if he had signed the memorandum for that number of shares.

(3) The foregoing provisions of this section (other than the provisions relating to the signing of a consent to act as director) shall not apply to—

- (a) a company not having a share capital ;
- (b) a proprietary company ; or
- (c) a prospectus or a statement in lieu of prospectus issued or lodged with the Registrar by or on behalf of a company or the articles adopted by a company after the expiration of one year from the date on which the company was entitled to commence business.

(4) On the lodging of the memorandum of a company for registration, the persons desiring the incorporation of the company shall also lodge with the Registrar a list in the prescribed form, certified by one of those persons to be correct, of the persons who have consented to be directors of the company, and, if the list contains the name of any person who has not so consented, the person who certified the list to be correct shall be guilty of an offence against this Act.

116. (1) Without affecting the operation of any of the preceding provisions of this Division, every director, who is by the articles required to hold a specified share qualification and who is not already qualified, shall obtain his qualification within two months after his appointment or such shorter period as is fixed by the articles.

Qualification
of director.
U.K. s. 182.
N.S.W. s. 122.
Vic. s. 99.
Qsld. s. 151.
S.A. s. 162.
W.A. s. 147.
Tas. s. 85.

(2) Unless otherwise provided by the articles the qualification of any director of a company must be held by him solely and not as one of several joint holders.

(3) A director shall vacate his office if he has not within the period referred to in subsection (1) of this section obtained his qualification or if after so obtaining it he ceases at any time to hold his qualification.

Penalty : Two hundred pounds. Default penalty.

(4) A person vacating office under this section shall be incapable of being re-appointed as director until he has obtained his qualification.

117. (1) Every person who being an undischarged bankrupt acts as director of, or directly or indirectly takes part in or is concerned in the management of, any corporation except with the leave of the Court shall be guilty of an offence against this Act.

Undischarged
bankrupts
acting as
directors.
U.K. s. 187.
N.S.W. s. 123.
Vic. s. 100.
Qsld. s. 152.
S.A. s. 163.
W.A. s. 148
Tas. s. 86.

Penalty : Imprisonment for six months or five hundred pounds or both.

(2) The Court shall not give leave under this section unless notice of intention to apply therefor has been served on the Minister who may be represented at the hearing of and may oppose the granting of the application.

118. (1) At a general meeting of a public company, a motion for the appointment of two or more persons as directors by a single resolution shall not be made unless a resolution that it shall be so made has first been agreed to by the meeting without any vote being given against it.

Appointment
of directors to
be voted on
individually.
U.K. s. 183.
Vic. s. 101.
Tas. s. 87.

(2) A resolution passed in pursuance of a motion made in contravention of this section shall be void, whether or not its being so moved was objected to at the time.

(3) Where a resolution pursuant to a motion made in contravention of this section is passed, no provision for the automatic re-appointment of retiring directors in default of another appointment shall apply.

(4) For the purposes of this section, a motion for approving a person's appointment or for nominating a person for appointment shall be treated as a motion for his appointment.

(5) Nothing in this section shall apply to a resolution altering the company's articles.

(6) Nothing in this section prevents the election of two or more directors by ballot or poll.

Validity of
acts of
directors and
officers.

U.K. s. 180.
N.S.W. s. 124.
Vic. s. 102.
Qsld. s. 153.
S.A. s. 164.
W.A. s. 149.
Tas. s. 88.

Removal of
directors.

U.K. s. 184.
Vic. s. 103.
Tas. s. 89.

119. The acts of a director or manager or secretary shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

120. (1) A public company may by ordinary resolution remove a director before the expiration of his period of office, notwithstanding anything in its articles or in any agreement between it and him but where any director so removed was appointed to represent the interests of any particular class of shareholders or debenture holders, the resolution to remove him shall not take effect until his successor has been appointed.

(2) Special notice shall be required of any resolution to remove a director under this section or to appoint some person in place of a director so removed at the meeting at which he is removed, and on receipt of notice of an intended resolution to remove a director under this section the company shall forthwith send a copy thereof to the director concerned, and the director (whether or not he is a member of the company) shall be entitled to be heard on the resolution at the meeting.

(3) Where notice is given pursuant to subsection (2) of this section and the director concerned makes with respect thereto representations in writing to the company (not exceeding a reasonable length) and requests their notification to members of the company, the company shall, unless the representations are received by it too late for it to do so—

- (a) in any notice of the resolution given to members of the company state the fact of the representations having been made ; and
- (b) send a copy of the representations to every member of the company to whom notice of the meeting is sent (whether before or after receipt of the representations by the company),

and if a copy of the representations is not so sent because they were received too late or because of the company's default the director may (without prejudice to his right to be heard orally) require that the representations shall be read out at the meeting.

(4) Notwithstanding the foregoing provisions of this section, copies of the representations need not be sent out and the representations need not be read out at the meeting if, on the application either of the company or of any other person who claims to be aggrieved, the Court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter and the Court may order the company's costs on an application under this section to be paid in whole or in part by the director, notwithstanding that he is not a party to the application.

(5) A vacancy created by the removal of a director under this section, if not filled at the meeting at which he is removed, may be filled as a casual vacancy.

(6) A person appointed director in place of a person removed under this section shall be treated, for the purpose of determining the time at which he or any other director is to retire, as if he had become a director on the day on which the person in whose place he is appointed was last appointed a director.

(7) Nothing in the foregoing provisions of this section shall be taken as depriving a person removed thereunder of compensation or damages payable to him in respect of the termination of his appointment as director or of any appointment terminating with that as director or as derogating from any power to remove a director which may exist apart from this section.

121. A director of a public company shall not be removed by, or be required to vacate his office by reason of, any resolution, request or notice of the directors or any of them notwithstanding anything in the articles or any agreement.

Director of
public company
not removable
by resolution
of directors.

PART V.

DIVISION II.

Power to restrain certain persons from managing companies.

U.K. s. 188.
N.S.W. s. 255.
Vic. s. 104.
Qsld. s. 224.
S.A. ss. 237 (1),
290 (4).
W.A. ss. 226,
281.
Tas. s. 90.

122. (1) Where a person is convicted whether within or without the State—

- (a) on indictment of any offence in connection with the promotion, formation or management of a corporation ;
- (b) of any offence involving fraud or dishonesty punishable on conviction with imprisonment for three months or more ; or

(c) of any offence under section 124 or under section 303,

and that person, within a period of five years after his conviction or, if he is sentenced to imprisonment, after his release from prison, without the leave of the Court is a director or promotor of or is in any way, whether directly or indirectly, concerned or takes part in the management of a company, he shall be guilty of an offence against this Act.

Penalty : Imprisonment for six months or two hundred pounds or both.

(2) A person intending to apply for the leave of the Court under this section shall give to the Minister not less than ten days' notice of his intention so to apply.

(3) At the hearing of any application under this section the Minister may be represented and may oppose the granting of the application.

Disclosure of interests in contracts, property, offices, etc.

U.K. s. 199.
N.S.W. s. 129.
Vic. s. 106.
Qsld. ss. 156,
157.
S.A. s. 167.
W.A. s. 154.
Tas. s. 92.

123. (1) Subject to this section, every director of a company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the company, shall as soon as practicable after the relevant facts have come to his knowledge declare the nature of his interest at a meeting of the directors of the company.

(2) The requirements of subsection (1) of this section shall not apply in any case where the interest of the director consists only of being a member or creditor of a corporation which is interested in a contract or proposed contract with the first-mentioned company if the interest of the director may properly be regarded as not being a material interest.

(3) A director of a company shall not be deemed to be interested or to have been at any time interested in any contract or proposed contract by reason only—

- (a) in a case where the contract or proposed contract relates to any loan to the company—that he has guaranteed or joined in guaranteeing the repayment of the loan or any part of the loan ; or
- (b) in a case where the contract or proposed contract has been or will be made with or for the benefit of or on behalf of a corporation which by virtue of the provisions of subsection (5) of section 6 is deemed to be related to the company that he is a director of that corporation,

and this subsection shall have effect not only for the purposes of this Act but also for the purposes of any other law, but shall not affect the operation of any provision in the articles of the company.

(4) For the purposes of subsection (1) of this section, a general notice given to the directors of a company by a director to the effect that he is an officer or member of a specified company or a member of a specified firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made, but no such notice shall be of effect unless either it is given at a meeting of the directors or the director takes reasonable steps to ensure that it is brought up and read at the next meeting of the directors after it is given.

(5) Every director of a company who holds any office or possesses any property whereby, whether directly or indirectly, duties or interests might be created in conflict with his duties or interests as director shall declare at a meeting of the directors of the company the fact and the nature, character and extent of the conflict.

(6) The declaration shall be made at the first meeting of the directors held—

- (a) after he becomes a director ; or
- (b) (if already a director) after he commenced to hold the office or to possess the property,

as the case requires.

(7) The secretary of the company shall record every declaration under this section in the minutes of the meeting at which it was made.

(8) Except as provided in subsection (3) of this section, this section shall be in addition to and not in derogation of the operation of any rule of law or any provision in the articles restricting a director from having any interest in contracts with the company or from holding offices or possessing properties involving duties or interests in conflict with his duties or interests as a director.

Penalty : Five hundred pounds.

As to the
duty and
liability of
officers.

Vic. s. 107.
Tas. s. 93.

124. (1) A director shall at all times act honestly and use reasonable diligence in the discharge of the duties of his office.

(2) An officer of a company shall not make use of any information acquired by virtue of his position as an officer to gain, directly or indirectly, an improper advantage for himself or to cause detriment to the company.

(3) An officer who commits a breach of any of the provisions of this section shall be—

- (a) liable to the company for any profit made by him or for any damage suffered by the company as a result of the breach of any of those provisions ; and
- (b) guilty of an offence against this Act.

Penalty : Five hundred pounds.

(4) This section is in addition to and not in derogation of any other enactment or rule of law relating to the duty or liability of directors or officers of a company.

Loans to
directors.
U.K. s. 190.

125. (1) A company shall not make a loan to a director of the company or of a company which by virtue of subsection (5) of section 6 is deemed to be related to that company, or enter into any guarantee or provide any security in connection with a loan made to such a director by any other person but nothing in this section shall apply—

- (a) to anything done by a company which is for the time being an exempt proprietary company ;
- (b) to anything done by a subsidiary in relation to such a director, where the director is its holding company ;

- (c) subject to subsection (2) of this section to anything done to provide such a director with funds to meet expenditure incurred or to be incurred by him for the purposes of the company or for the purpose of enabling him properly to perform his duties as an officer of the company ;
- (d) to anything done to provide such a director who is engaged in the full-time employment of the company or its holding company, as the case may be, with funds to meet expenditure incurred or to be incurred by him in purchasing or otherwise acquiring a home ;
- (e) to any loan made to such a director who is engaged in the full-time employment of the company or its holding company, as the case may be, where the company has at a general meeting approved of a scheme for the making of loans to employees of the company and the loan is in accordance with that scheme ; or
- (f) in the case of a company whose ordinary business includes the lending of money or the giving of guarantees in connection with loans made by other persons, to anything done by the company in the ordinary course of that business.

(2) Paragraph (c) or (d) of subsection (1) of this section shall not authorize the making of any loan, or the entering into any guarantee, or the provision of any security, except—

- (a) with the prior approval of the company given at a general meeting at which the purposes of the expenditure and the amount of the loan or the extent of the guarantee or security, as the case may be, are disclosed ; or
- (b) on condition that, if the approval of the company is not given as aforesaid at or before the next following annual general meeting, the loan shall be repaid or the liability under the guarantee or security shall be discharged, as the case may be, within six months from the conclusion of that meeting.

(3) Where the approval of the company is not given as required by any such condition the directors authorizing the making of the loan or the entering into the guarantee or the provision of the security shall be jointly and severally liable to indemnify the company against any loss arising therefrom.

(4) Where a company contravenes the provisions of this section any director who authorizes the making of any loan, the entering into any guarantee or the providing of any security contrary to the provisions of this section shall be guilty of an offence against this Act.

Penalty : Two hundred pounds.

(5) Nothing in this section shall operate to prevent the company from recovering the amount of any loan or amount for which it becomes liable under any guarantee entered into or in respect of any security given contrary to the provisions of this section.

(6) Before a person accepts from a proprietary company any guarantee or security referred to in subsection (1) of this section, that person may require the company to furnish him with a certificate signed by a director and the secretary of the company certifying that the company is an exempt proprietary company.

(7) Where the guarantee or security has been accepted by the person after the certificate is so furnished, the person may enforce the guarantee or security against the company notwithstanding that at the time the certificate was furnished or the guarantee or security was accepted, the company was not an exempt proprietary company.

(8) A director or secretary of a company who furnishes a person with such a certificate that is false shall be guilty of an offence against this Act.

Penalty : Imprisonment for six months or two hundred pounds.

Register of
directors'
share-
holdings, etc.
U.K. s. 195.

126. (1) Every company shall keep a register showing with respect to each director of the company (other than a director that is its holding company) the number description and amount of any shares in or debentures of the company or a corporation that is deemed to be related to that company by virtue of subsection (5) of section 6 which are held by, or in trust for, him or of which he has any right to become the holder (whether on payment or not) but the register need not include shares in any corporation which is the wholly-owned subsidiary of another corporation.

(2) Where by virtue of subsection (1) of this section an entry is or should have been made in the register in relation to any director by reason of a transaction entered into after the commencement of this Act and while he is a director, the register shall also show the date of and price or other consideration for

the transaction and, where there is an interval between the agreement for any such transaction and the completion thereof, the date shall be that of the agreement.

(3) If default is made in complying with subsection (1) or subsection (2) of this section (not being a default due to the failure of a director to give notice of any matter to the company as required by section 127 or a default due to a director giving incorrect information to the company) or if any inspection required under this section is refused or any copy required thereunder is not sent within a reasonable time, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds. Default penalty.

(4) The nature and extent of a director's interest or right in or over any shares or debentures recorded in relation to him in the register shall, if he so requires, be indicated in the register.

(5) The company shall not by virtue of anything done for the purposes of this section be affected with notice of or put upon inquiry as to the rights of any person in relation to any shares or debentures.

(6) The register shall subject to the provisions of this section be kept at the company's registered office and shall be open to inspection during ordinary business hours by any person acting on behalf of the Minister and, during the period beginning twenty-one days before the date of the company's annual general meeting and ending five days after the date of its conclusion, to the inspection of any member or holder of debentures of the company.

(7) The Minister may at any time require the company to furnish him with a copy of the register or any part thereof.

(8) The register shall also be produced at the commencement of the company's annual general meeting and remain open and accessible during the continuance of the meeting to any person attending the meeting.

(9) If default is made in complying with subsection (6) or subsection (8) of this section every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(10) For the purposes of this section a director of a company shall be deemed to hold or to have an interest or a right in or over any shares or debentures if a corporation other than the company holds them or has that interest or right in or over them and—

(a) that corporation or its directors are accustomed to act in accordance with his directions or instructions ;
or

(b) he is entitled to exercise or control the exercise of one-third or more of the voting power at any general meeting of that corporation.

(11) Any reference in this section to shares or to debentures shall be read as including a reference to options to take up shares or to options to take up debentures, as the case may be.

General
duty to
make
disclosure.
U.K. s. 198.

127. (1) Every director shall give notice to the company of such matters relating to himself as may be necessary for the purposes of sections 126, 134 and 184 and the Tenth Schedule.

(2) Any such notice shall be in writing and, if it is not given at a meeting of the directors, the director giving it shall take reasonable steps to secure that it is brought up and read at the next meeting of directors after it is given.

Penalty : Five hundred pounds.

Prohibition of
tax-free
payments
to directors.
U.K. s. 189.

128. (1) A company shall not pay a director remuneration (whether as director or otherwise) free of income tax, or otherwise calculated by reference to or varying with the amount of his income tax, or the rate of income tax, except under a contract which was in force before the commencement of this Act, and which provides expressly, and not by reference to the articles, for payment of such remuneration.

(2) Any provision contained in a company's articles, or in any contract other than a contract referred to in subsection (1) of this section or in any resolution of a company or of a company's directors for payment to a director of remuneration free of income tax or otherwise calculated by reference to or varying with the amount of his income tax or the rate of income tax shall have effect as if it provided for payment as a gross sum subject to income tax, of the net sum for which it actually provides.

(3) This section shall not apply to remuneration due before the commencement of this Act or in respect of a period before the commencement of this Act.

(4) Where a company contravenes the provisions of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

PART V.
DIVISION II.

Payments
to director
for loss of
office, etc.
U.K. ss. 191-
194.
N.S.W. s. 130.
Vic. s. 108.
Qsld. s. 158.
S.A. s. 168.
W.A. s. 155.
Tas. s. 94.

129. (1) It shall not be lawful—

- (a) for a company to make to any director any payment by way of compensation for loss of office as a director of that company or of a subsidiary of that company or as consideration for or in connection with his retirement from any such office ; or
- (b) for any payment to be made to any director of a company in connection with the transfer of the whole or any part of the undertaking or property of the company,

unless particulars with respect to the proposed payment (including the amount thereof or the means by which the amount will be ascertained) have been disclosed to the members of the company and the proposal has been approved by the company in general meeting, and when any such payment has been unlawfully made the amount received by the director shall be deemed to have been received by him in trust for the company.

(2) Where such a payment is to be made to a director in connection with the transfer to any person, as a result of an offer made to shareholders, of all or any of the shares in the company, that director shall take all reasonable steps to secure that particulars with respect to the proposed payment, including the amount thereof, shall be included in or sent with any notice of the offer made for their shares which is given to any shareholders, unless those particulars are furnished to the shareholders by virtue of section 184.

(3) A director who fails to comply with subsection (2) of this section and a person who has been properly required by a director to include in or send with any notice under this section the particulars required by that subsection and who fails so to do, shall be guilty of an offence against this Act, and if the requirements of that subsection are not complied with, any sum received by the director on account of the payment shall be deemed to have been received by him in trust for any person who has sold his shares as a result of the offer made.

(4) If in connection with any such transfer the price to be paid to a director of the company whose office is to be abolished or who is to retire from office for any shares in the company held by him is in excess of the price which could at the time have been obtained by other holders of the like shares or any valuable consideration is given to any such director, the excess or the money value of the consideration, as the case may be, shall, for the purposes of this section, be deemed to have been a payment

made to him by way of compensation for loss of office or as consideration for or in connection with his retirement from office.

As to
payments
to directors.

(5) Any reference in this section to payments to any director of a company by way of compensation for loss of office or as consideration for or in connection with his retirement from office shall not include—

(a) any payment under an agreement entered into before the commencement of the repealed Act ;

(b) any payment under an agreement particulars whereof have been disclosed to and approved by the company in general meeting ;

(c) any *bona fide* payment by way of damages for breach of contract ;

(d) any *bona fide* payment by way of pension or lump sum payment in respect of past services, including any superannuation or retiring allowance, superannuation gratuity or similar payment, where the value or amount of the pension or payment (except in so far as it is attributable to contributions made by the director) does not exceed the total emoluments of the director in the three years immediately preceding his retirement or death ; or

(e) any payment to a director pursuant to an agreement made between the company and him before he became a director of the company as the consideration or part of the consideration for the director agreeing to serve the company as a director.

(6) This section shall be in addition to and not in derogation of any rule or law requiring disclosure to be made with respect to any such payments or any other like payment.

Provisions as
to assignment
of office.

U.K. s. 204.
N.S.W. s. 131.
Vic. s. 109.
Qsld. s. 159.
S.A. s. 169.
W.A. s. 156.
Tas. s. 95.

130. (1) If in the case of any public company provision is made by the articles or by any agreement entered into between any person and the company for empowering a director or manager of the company to assign his office as such to another person, any such assignment of office shall, notwithstanding anything in the said provision, be of no effect until approved by a special resolution of the company.

(2) This section shall not be construed so as to prevent the appointment by a director (if authorized by the articles and

subject thereto) of an alternate or substitute director to act for or on behalf of the director during his inability for any time to act as director.

131. (1) If a company is served with a notice sent by or on behalf of—

- (a) at least ten per centum of the total number of members of the company ; or
- (b) the holders in aggregate of not less than ten per centum in nominal value of the company's issued share capital,

Powers to require disclosure of director's emoluments.
Cf. U.K. s. 196.
N.S.W. s. 128.
Vic. Ninth Schedule.
S.A. s. 166.
Qsld. s. 155.

requiring the emoluments of the directors of the company or of a subsidiary to be disclosed, the company shall forthwith—

- (i) prepare or cause to be prepared an audited statement showing the total emoluments paid to each of the directors of the company and to each director of a subsidiary including any amount paid by way of salary for the financial year immediately preceding the service of the notice ;
- (ii) lay the statement before the company in general meeting ; and
- (iii) forward a copy of the statement to all persons entitled to receive notice of general meetings of the company.

(2) If default is made in complying with any of the provisions of this section the company and every director of the company shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

132. (1) Every company shall have one or more secretaries each of whom shall be a natural person and one of whom shall be a person who ordinarily resides in the State.

Secretary.
U.K. ss. 177-179.
Vic. s. 110.
S.A. s. 116.
W.A. s. 10.
Tas. s. 96.

(2) The sole director of a proprietary company or of a private company shall not be or act as secretary for the company.

(3) The secretary shall be appointed by the directors and shall be present at the registered office of the company by himself or his agent or clerk on the days and at the hours during which the registered office is to be accessible to the public.

(4) Anything required or authorized to be done by or in relation to the secretary may, if the office is vacant or for any other reason the secretary is not capable of acting, be done by or

in relation to any assistant or deputy secretary or, if there is no assistant or deputy secretary capable of acting, by or in relation to any officer of the company authorized generally or specially in that behalf by the directors.

(5) A provision requiring or authorizing a thing to be done by or in relation to a director and the secretary shall not be satisfied by its being done by or in relation to the same person acting both as director and as, or in place of, the secretary.

(6) Subsections (1) and (2) of this section do not apply in relation to a company incorporated before the date of commencement of this Act until the expiration of a period of three months after that date.

Provisions indemnifying directors or officers.

U.K. s. 205.
N.S.W. s. 132.
Vic. s. 111.
Qsld. s. 160.
S.A. s. 170.
W.A. s. 157.
Tas. s. 97.

133. (1) Any provision, whether contained in the articles or in any contract with a company or otherwise, for exempting any officer or auditor of the company from, or indemnifying him against, any liability which by law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company, shall be void.

(2) Notwithstanding anything in this section a company may, pursuant to its articles or otherwise, indemnify any officer or auditor against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application in relation thereto in which relief is under this Act granted to him by the Court.

Register of directors managers and secretaries.

U.K. s. 200.
N.S.W. s. 125.
Vic. s. 112.
Qsld. s. 154.
S.A. s. 165.
W.A. s. 150.
Tas. s. 98.

134. (1) Every company shall keep at its registered office a register of its directors managers and secretaries.

(2) The register shall contain with respect to each director a copy of his consent in writing to appointment as such (if such consent is required by this Act) and shall specify—

- (a) in the case of an individual, his present Christian or other name and surname, any former Christian or other name or surname, his usual residential address, and his business occupation (if any);
- (b) in the case of a corporation, its corporate name and registered or principal office; and
- (c) particulars of any other directorships of public companies or companies which are subsidiaries of public companies held by the director, but it shall not be necessary for the register to contain

particulars of directorships held by a director in a company that by virtue of subsection (5) of section 6 is deemed to be related to that company.

(3) Where a person is a director in one or more subsidiaries of the same holding company, it shall be sufficient compliance with the provisions of subsection (2) of this section if it is disclosed that the person is the holder of one or more directorships in that group of companies and the group may be described by the name of the holding company with the addition of the word "Group".

(4) The register shall specify with respect to each manager and secretary his full name and address and other occupation (if any).

(5) The register shall be open to the inspection of any member of the company without charge and of any other person on payment of five shillings, or such less sum as the company requires, for each inspection.

(6) The company shall lodge with the Registrar—

(a) within one month after incorporation, a return in the prescribed form containing the particulars required to be specified in the register ;

(b) within one month after a person ceases to be, or becomes, a director of the company, a return in the prescribed form notifying the Registrar of that fact and containing, with respect to each then existing director of the company, the particulars required to be specified in the register ;

(c) within one month after a person becomes a manager or secretary of the company, a return in the prescribed form notifying the Registrar of that fact and specifying the full name, address and other occupation (if any) of that person ; and

(d) within one month after a person ceases to be a manager or secretary of the company, a return in the prescribed form notifying the Registrar of that fact.

(7) If default is made in complying with any provision of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(8) A certificate of the Registrar in the prescribed form stating that from any return lodged with the Registrar pursuant to this section it appears that at any time specified in the certificate any person was a director, manager or secretary of a specified company shall in all courts and by all persons having power to take evidence for the purposes of this Act, be received as *prima facie* evidence of the facts stated therein and for the purposes of this subsection a person who appears from any return so lodged to be a director, manager or secretary of a company shall be deemed to continue as such until by a subsequent return so lodged or by a notification of change in the prescribed form so lodged, it appears that he has ceased to be such a director, manager or secretary.

DIVISION III.

DIVISION III.—MEETINGS AND PROCEEDINGS.

Statutory
meeting and
statutory
report.

U.K. s. 130.
N.S.W. s. 93.
Vic. s. 113.
Qld. s. 123.
S.A. s. 132.
W.A. s. 115.
Tas. s. 99.

135. (1) Every public company that is a limited company and has a share capital and every no-liability company shall, within a period of not less than one month and not more than three months after the date at which it is entitled to commence business, hold a general meeting of the members of the company to be called the “statutory meeting”.

(2) The directors shall, at least seven days before the day on which the meeting is to be held, forward to every member of the company a report to be called the “statutory report” certified as correct by the auditors (if any) of the company.

(3) The statutory report shall be in the prescribed form, shall be certified by not less than two directors of the company and shall state—

- (a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted ;
- (b) the total amount of cash received by the company in respect of all the shares allotted and so distinguished ;
- (c) an abstract of the receipts of the company and of the payments made thereout up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts from shares and debentures and other sources, the payments made

thereout and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses ;

- (d) the names and addresses and descriptions of the directors, trustees for holders of debentures (if any), auditors (if any), managers (if any) and secretaries of the company ; and
- (e) the particulars of any contract the modification of which is to be submitted to the meeting for its approval together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted and to the cash received in respect of such shares and to the receipts and payments on capital account, be examined and reported upon by the auditors (if any).

(5) The directors shall cause a certified copy of the statutory report and a certified copy of the auditor's report (if any) to be lodged with the Registrar at least seven days before the date of the statutory meeting.

(6) The directors shall cause a list showing the names and addresses of the members and the number of shares held by them respectively to be produced at the commencement of the meeting and to remain open and accessible to any member during the continuance of the meeting.

(7) The members present at the meeting shall be at liberty to discuss any matter relating to the formation of the company or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(8) The meeting may adjourn from time to time and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed and the adjourned meeting shall have the same powers as an original meeting.

(9) The meeting may by ordinary resolution appoint a committee or committees of inquiry, and at any adjourned meeting a special resolution may be passed that the company be wound up if, notwithstanding any other provision of this Act, at least seven days notice of intention to propose the resolution has been given to every member of the company.

(10) In the event of any default in complying with the provisions of this section, every officer of the company who is in default and every director of the company who fails to take all

reasonable steps to secure compliance with the provisions of this section shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Annual
general
meeting.

U.K. s. 131.
N.S.W. s. 92.
Vic. s. 114.
Qsld. s. 122.
S.A. s. 131.
W.A. s. 114.
Tas. s. 100.

136. (1) A general meeting of every company to be called the "annual general meeting" shall in addition to any other meeting be held at least once in every calendar year and not more than fifteen months after the holding of the last preceding annual general meeting, but so long as a company holds its first annual general meeting within eighteen months of its incorporation, it need not hold it in the year of its incorporation or in the following year.

(2) Notwithstanding the provisions of subsection (1) of this section, the Registrar, on the application of the company, may if for any special reason he thinks fit so to do, extend the period of fifteen months or eighteen months referred to in that subsection, notwithstanding that such period is so extended beyond the calendar year.

(3) Subject to notice being given to all persons entitled to receive notice of the meeting, a general meeting may be held at any time and the company may resolve that any meeting held or summoned to be held shall be the annual general meeting of the company.

(4) If default is made in holding an annual general meeting—

(a) the company and every officer of the company who is in default shall be guilty of an offence against this Act; and

(b) the Court may, on the application of any member, order a general meeting to be called.

Convening of
extraordinary
general
meeting on
requisition.

U.K. s. 132.
N.S.W. s. 94.
Vic. s. 115.
Qsld. s. 124.
S.A. s. 133.
W.A. s. 116.
Tas. s. 101.

137. (1) The directors of a company, notwithstanding anything in its articles, shall on the requisition of members holding at the date of the deposit of the requisition not less than one-tenth of such of the paid-up capital as at the date of the deposit carries the right of voting at general meetings or, in the case of a company not having a share capital, of members representing not less than one-tenth of the total voting rights of all members having at that date a right to vote at general meetings, forthwith proceed duly to convene an extraordinary general meeting of the company to be held as soon as practicable but in any case not later than two months after the receipt by the company of the requisition.

s. 137. SOUTH NORSEMAN GOLD MINES NO LIABILITY V. MACDONALD (1937) S.A.S.R. 53.

The lodging of a requisition to call a general meeting of a company signed by the shareholders having the necessary voting power and number of shares is the sole condition for bringing into existence the duty of the directors to call the meeting. The subsequent withdrawal by one of the requisitionists from the register does not affect the right which the remaining requisitionists may have to call the meeting.

(2) The requisition shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form each signed by one or more requisitionists.

(3) If the directors do not within twenty-one days after the date of the deposit of the requisition proceed to convene a meeting, the requisitionists, or any of them representing more than one-half of the total voting rights of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by directors, convene a meeting, but any meeting so convened shall not be held after the expiration of three months from that date.

(4) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors to convene a meeting shall be paid to the requisitionists by the company, and any sum so paid shall be retained by the company out of any sums due or to become due from the company, by way of fees or other remuneration in respect of their services, to such of the directors as were in default.

(5) A meeting at which a special resolution is to be proposed shall be deemed not to be duly convened by the directors if they do not give such notice thereof as is required by this Act in the case of special resolutions.

138. (1) So far as the articles do not make other provision in that behalf, two or more members holding not less than one-tenth of the issued share capital or, if the company has not a share capital, not less than five per centum in number of the members of the company may call a meeting of the company.

Calling of meetings.
U.K. ss. 133, 134.
N.S.W. s. 95
Vic. s. 116.
Qsld. s. 125.
S.A. s. 134.
W.A. s. 117.
Tas. s. 102.

(2) A meeting of a company or of a class of members, other than a meeting for the passing of a special resolution, shall be called by notice in writing of not less than seven days or such longer period as is provided in the articles.

(3) A meeting shall, notwithstanding that it is called by notice shorter than is required by subsection (2) of this section be deemed to be duly called if it is so agreed—

(a) in the case of a meeting called as the annual general meeting, by all the members entitled to attend and vote thereat; or

(b) in the case of any other meeting, by a majority in number of the members having a right to attend and vote thereat, being a majority which together holds not less than ninety-five per centum in nominal value of the shares giving a right to attend and vote or, in the case of a company not having a

share capital, together represents not less than ninety-five per centum of the total voting rights at that meeting of all the members.

(4) So far as the articles do not make other provision in that behalf, notice of every meeting shall be served on every member having a right to attend and vote thereat in the manner in which notices are required to be served by Table A.

(5) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any member shall not invalidate proceedings at a meeting.

139. (1) Any provision contained in a company's articles shall be void in so far as it would have the effect—

(a) of excluding the right to demand a poll at a general meeting on any question or matter other than the election of the chairman of the meeting or the adjournment of the meeting ;

(b) of making ineffective a demand for a poll on any question or matter other than the election of the chairman of the meeting or the adjournment of the meeting that is made—

(i) by not less than five members having the right to vote at the meeting ;

(ii) by a member or members representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting ; or

(iii) by a member or members holding shares in the company conferring a right to vote at the meeting, being shares on which an aggregate sum has been paid up equal to not less than one-tenth of the total sum paid up on all the shares conferring that right ; or

(c) of requiring the instrument appointing a proxy or any other document necessary to show the validity of or otherwise relating to the appointment of a proxy to be received by the company or any other person more than forty-eight hours before a meeting or adjourned meeting in order that the appointment may be effective at the meeting.

(2) The instrument appointing a proxy to vote at a meeting of a company shall be deemed to confer authority to demand or join in demanding a poll, and for the purposes of subsection (1)

Articles as to
right to
demand a
poll.

U.K. s. 137.
Vic. s. 119 (3).
Qld. s. 127 (4).
S.A. s. 136 (4).
W.A. s. 119 (3).
Tas. s. 105 (4).

of this section a demand by a person as proxy for a member of the company shall be deemed to be the same as a demand by the member.

140. (1) So far as the articles do not make other provision in that behalf—

(a) in the case of a proprietary company or a private company, two members of the company, and in the case of any other company, three members of the company, personally present shall be a quorum ;

(b) any member elected by the members present at a meeting may be chairman thereof ; and

(c) in the case of a company having a share capital, every member shall have one vote in respect of each share or each Ten pounds of stock held by him, and in any other case, every member shall have one vote.

(2) On a poll taken at a meeting a person entitled to more than one vote need not, if he votes, use all his votes or cast all the votes he uses in the same way.

(3) A corporation may by resolution of its directors or other governing body—

(a) if it is a member of a company, authorize such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the company or of any class of members ; or

(b) if it is a creditor (including a holder of debentures) of a company, authorize such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of any creditors of the company,

and a person so authorized shall, in accordance with his authority and until his authority is revoked by the corporation, be entitled to exercise the same powers on behalf of the corporation as the corporation could exercise if it were an individual member, creditor or holder of debentures of the company.

(4) Where—

(a) a person present at a meeting is authorized to act as the representative of a corporation at the meeting by virtue of an authority given by the corporation under subsection (3) of this section ; and

(b) the person is not otherwise entitled to be present at the meeting,

Quorum,
chairman,
voting, etc., at
meetings.

U.K. s. 139.
N.S.W. ss. 95,
96.
Vic. s. 117.
Qsld. ss. 125,
126.
S.A. ss. 134(1),
135.
W.A. ss. 117
118.
Tas. s. 103.

the corporation shall, for the purposes of subsection (1) of this section, be deemed to be personally present at the meeting.

(5) A certificate under the seal of the corporation shall be *prima facie* evidence of the authorization or of the revocation of the authorization (as the case may be) of a representative pursuant to the provisions of subsection (3) of this section.

(6) Where a holding company holds the whole of the issued shares of a subsidiary and a minute is signed by a representative of the holding company authorized pursuant to subsection (3) of this section stating that any act, matter, or thing, or any ordinary or special resolution, required by this Act or by the articles of the subsidiary to be made, performed, or passed by or at an ordinary general meeting or an extraordinary general meeting of the subsidiary has been made, performed, or passed, that act, matter, thing, or resolution shall, for all purposes, be deemed to have been duly made, performed, or passed by or at an ordinary general meeting, or as the case requires, by or at an extraordinary general meeting of the subsidiary.

(7) Where by or under any provision of this Act any notice, copy of a resolution, or other document relating to any matter is required to be lodged by a company with the Registrar, and a minute referred to in subsection (6) of this section is signed by the representative in pursuance of that subsection and the minute relates to such a matter, the company shall, within one month after the signing of the minute, lodge with the Registrar notice in the prescribed form of the signing of the minute and a copy of the minute.

Proxies.

U.K. s. 136.
Vic. s. 117 (5).
Tas. s. 103 (6).

141. (1) Subject to subsection (2) of this section, a member of a company entitled to attend and vote at a meeting of the company, or at a meeting of any class of members of the company, shall be entitled to appoint another person (who, if the articles so provide, shall be a member, but otherwise need not be a member) as his proxy to attend and vote instead of the member at the meeting and a proxy appointed to attend and vote instead of a member shall also have the same right as the member to speak at the meeting, but unless the articles otherwise provide, a proxy shall not be entitled to vote except on a poll.

(2) A member of a proprietary company or a private company shall not be entitled to appoint another person as his proxy under subsection (1) of this section except—

- (a) in accordance with the articles of the company; or
- (b) with the leave of the Court.

(3) In every notice calling a meeting of a public company having a share capital or a meeting of any class of members of such a public company there shall appear with reasonable

prominence a statement that a member entitled to attend and vote is entitled to appoint a proxy or, where that is allowed, one or more proxies to attend and vote instead of the member, and that a proxy shall be a member or need not be a member, as the case requires; and if default is made in complying with this subsection as respects any meeting, every officer of the company who is in default shall be guilty of an offence against this Act.

(4) Any person who authorizes or permits an invitation to appoint as proxy a person or one of a number of persons specified in the invitation to be issued at the company's expense to some only of the members entitled to be sent a notice of the meeting and to vote at the meeting by proxy shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

(5) No person shall be guilty of an offence under subsection (4) of this section by reason only of the issue to a member at his request of a form of appointment naming the proxy or a list of persons willing to act as proxies if the form or list is available on request in writing to every member entitled to vote at the meeting by proxy.

142. (1) If for any reason it is impracticable to call a meeting in any manner in which meetings may be called or to conduct the meeting in the manner prescribed by the articles or this Act, the Court may, either of its own motion or on the application of any director or of any member who would be entitled to vote at the meeting, order a meeting to be called, held and conducted in such manner as the Court thinks fit, and may give such ancillary or consequential directions as it thinks expedient, including a direction that one member present in person or by proxy shall be deemed to constitute a meeting.

Power of Court to order meeting.
U.K. s. 135.
N.S.W. s. 95.
Vic. s. 118.
S.A. s. 134 (2).

(2) Any meeting called, held and conducted in accordance with any order made pursuant to this section shall for all purposes be deemed to be a meeting duly called, held and conducted.

143. (1) Subject to this section, a company shall, on the requisition in writing of such number of members of the company as is specified in subsection (2) of this section and (unless the company otherwise resolves) at the expense of the requisitionists—

Circulation of members' resolutions, etc.
U.K. s. 140

(a) give to members of the company entitled to receive notice of the next annual general meeting notice of any resolution which may properly be moved and is intended to be moved at that meeting; and

(b) circulate to members entitled to have notice of any general meeting sent to them any statement of not more than one thousand words with respect to the matter referred to in any proposed resolution or the business to be dealt with at that meeting.

(2) The number of members necessary for a requisition under subsection (1) of this section shall be—

(a) any number of members representing not less than one-twentieth of the total voting rights of all the members having at the date of the requisition a right to vote at the meeting to which the requisition relates ; or

(b) not less than one hundred members holding shares in the company on which there has been paid up an average sum, per member, of not less than one hundred pounds.

(3) Notice of a resolution referred to in subsection (1) of this section shall be given, and any statement so referred to shall be circulated, to members of the company entitled to have notice of the meeting sent to them by serving a copy of the resolution or statement on each member in any manner permitted for service of notice of the meeting, and notice of the resolution shall be given to any other member of the company by giving notice of the general effect of the resolution in any manner permitted for giving him notice of meetings of the company, and the copy shall be served, or notice of the effect of the resolution shall be given, as the case may be, in the same manner and, so far as practicable, at the same time, as notice of the meeting and, where it is not practicable for it to be served or given at that time, it shall be served or given as soon as practicable thereafter.

(4) A company shall not be bound under this section to give notice of any resolution or to circulate any statement unless—

(a) a copy of the requisition signed by the requisitionists (or two or more copies which between them contain the signatures of all the requisitionists) is deposited at the registered office of the company—

(i) in the case of a requisition requiring notice of a resolution, not less than six weeks before the meeting ; and

(ii) in the case of any other requisition, not less than one week before the meeting ; and

(b) there is deposited or tendered with the requisition a sum reasonably sufficient to meet the company's expenses in giving effect thereto,

but if, after a copy of a requisition requiring notice of a resolution has been deposited at the registered office of the company, an annual general meeting is called for a date six weeks or less after the copy has been deposited, the copy, though not deposited within the time required by this subsection, shall be deemed to have been properly deposited for the purposes thereof.

(5) The company shall not be bound under this section to circulate any statement if, on the application either of the company or of any other person who claims to be aggrieved, the Court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter and the Court may order the company's costs on an application under this section to be paid in whole or in part by the requisitionists, notwithstanding that they are not parties to the application.

(6) Notwithstanding anything in the company's articles, the business which may be dealt with at an annual general meeting shall include any resolution of which notice is given in accordance with this section, and for the purposes of this subsection notice shall be deemed to have been so given notwithstanding the accidental omission to give it to one or more members.

(7) In the event of any default in complying with the provisions of this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Five hundred pounds.

144. (1) A resolution of a company shall be a special resolution if it has been passed by a majority of not less than three-fourths of such members of the company as, being entitled so to do, vote in person or, where proxies are allowed, by proxy, at a general meeting of the company of which not less than twenty-one days' notice specifying the intention to propose the resolution as a special resolution has been duly given.

Special
resolutions.
U.K. s. 141.
N.S.W. s. 97
Vic. s. 119.
Qsld. s. 127.
S.A. s. 136.
W.A. s. 119.
Tas. s. 105.

(2) Notwithstanding the provisions of subsection (1) of this section, if it is so agreed by a majority in number of the members having the right to attend and vote at the meeting, being a majority which together holds not less than ninety-five per centum in nominal value of the shares giving that right or, in the case of a company not having a share capital, together represents not less than ninety-five per centum of the total voting rights

s. 144. HARVEY V. THE ADELAIDE AND HINDMARSH TRAMWAY COMPANY LIMITED (1881) 15 S.A.L.R. 136; 3 Austr. Digest 830. A resolution passed at a meeting of a company may be held bad for vagueness.

In re RHODESIAN MANUFACTURING COMPANY LIMITED (1927) S.A.S.R. 310; 3 Austr. Digest 837. Held (under section 48 of the Companies Act, 1892) that where a poll was required to be demanded by two members, it must be demanded by two members personally present at the meeting. A demand by one member holding proxies for two other members was not sufficient.

at that meeting, a resolution may be proposed and passed as a special resolution at a meeting of which less than twenty-one days' notice has been given.

(3) At any meeting at which a special resolution is submitted a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which a special resolution is submitted a poll shall be deemed to be effectively demanded if demanded—

(a) by such number of members for the time being entitled under the articles to vote at the meeting as is specified in the articles, but it shall not in any case be necessary for more than five members to make the demand ; or

(b) if no such provision is made by the articles, by three members so entitled, or by one member or two members so entitled, if that member holds or those two members together hold not less than one-tenth of the paid-up share capital of the company or if that member represents or those two members together represent not less than one-tenth of the total voting rights of all the members having a right to vote at the meeting.

(5) In computing the majority on a poll demanded on the question that a special resolution be passed, reference shall be had to the number of votes cast for and against the resolution and to the number of votes to which each member is entitled by this Act or the articles of the company.

(6) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting shall be deemed to be duly held when the notice is given and the meeting held in manner provided by this Act or by the articles.

(7) Any extraordinary resolution or any special resolution under the repealed Act duly and appropriately passed before the commencement of this Act shall for the purposes of this Act be treated as a special resolution.

(8) Where in the case of a company incorporated before the commencement of this Act any matter is required or permitted to be done by extraordinary resolution or by special resolution under the repealed Act that matter may be done by special resolution under this Act.

145. Where by this Act special notice is required of a resolution, the resolution shall not be effective unless notice of the intention to move it has been given to the company not less than twenty-eight days before the meeting at which it is moved,

Transitory provisions.

Resolution requiring special notice.

U.K. s. 142.
Vic. s. 120.
Tas. s. 106.

and the company shall give its members notice of any such resolution at the same time and in the same manner as it gives notice of the meeting or, if that is not practicable, shall give them notice thereof, in any manner allowed by the articles, not less than fourteen days before the meeting, but if after notice of the intention to move such a resolution has been given to the company, a meeting is called for a date twenty-eight days or less after the notice has been given, the notice, although not given to the company within the time required by this section, shall be deemed to be properly given.

146. (1) A printed copy of—

- (a) every special resolution of a company; and
- (b) every resolution or agreement which has been agreed to by all the members of some class of shareholders of a company but which, if not so agreed to, would not have been effective for its purpose unless it had been passed by some particular majority or otherwise in some particular manner,

Registration
and copies
of certain
resolutions and
agreements.

U.K. s. 143.
N.S.W. s. 88.
Vic. s. 121.
Qld. s. 128.
S.A. s. 137.
W.A. s. 121.
Tas. s. 107.

shall, except where otherwise expressly provided by this Act, within one month after the passing or making thereof, be lodged by the company with the Registrar together with the notice in the prescribed form of the resolution or agreement.

(2) Where articles have not been registered a printed copy of every resolution or agreement to which this section applies shall be forwarded to any member at his request on payment of two shillings and sixpence or such less sum as the company directs.

(3) In the event of any default in complying with subsection (1) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

(4) In the event of any default in complying with the provisions of subsection (2) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Five pounds for each copy in respect of which default is made.

s. 146. TELEGRAPH PROSPECTING GOLD MINING COMPANY (LIMITED) v. SOLOMON (1876) 10 S.A.L.R. 68. Held that where a special resolution for the issue of new shares was recorded with the registrar under section 52 of the Companies Act, 1864, it bound the directors of the company and the allottees of new shares, although the preliminaries to the holding of the meeting prescribed by the articles of the company were not complied with.

PART V.

DIVISION III.

Resolutions
at adjourned
meetings.

U.K. s. 144.
N.S.W. s. 99.
Vic. s. 122.
Qsld. s. 129.
S.A. s. 138.
W.A. s. 122.
Tas. s. 108.

Minutes of
proceedings.

U.K. s. 145.
N.S.W. s. 100.
Vic. s. 123.
Qsld. s. 130.
S.A. s. 139.
W.A. s. 123.
Tas. s. 109

147. Where a resolution is passed at an adjourned meeting of a company or of holders of any class of shares or of directors, the resolution shall for all purposes be treated as having been passed on the date on which it was in fact passed and not on any earlier date.

148. (1) Every company shall cause—

- (a) minutes of all proceedings of general meetings and of meetings of its directors and of its managers (if any) to be entered in books kept for that purpose ; and
- (b) those minutes to be signed by the chairman of the meeting at which the proceedings were had or by the chairman of the next succeeding meeting.

(2) Any minute so entered that purports to be signed as provided in subsection (1) of this section shall be evidence of the proceedings to which it relates.

(3) Where minutes have been so entered and signed, then, until the contrary is proved—

- (a) the meeting shall be deemed to have been duly held and convened ;
- (b) all proceedings had at the meeting shall be deemed to have been duly had ; and
- (c) all appointments of officers or liquidators made at the meeting shall be deemed to be valid.

(4) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Inspection of
minute books.
U.K. s. 146.
N.S.W. s. 101.
Vic. s. 124.
Qsld. s. 131.
S.A. s. 140.
W.A. s. 124.
Tas. s. 110.

149. (1) The books containing the minutes of proceedings of any general meeting shall be kept by the company at the registered office or the principal place of business in the State of the company, and shall be open to the inspection of any member without charge.

(2) Any member shall be entitled to be furnished, within seven days after he has made a request in writing in that behalf to the company, with a copy of any minutes specified in subsection (1) of this section at a charge not exceeding two shillings for every hundred words thereof.

(3) If any copy required under this section is not so furnished the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Twenty pounds. Default penalty.

DIVISION IV.—REGISTER OF MEMBERS.

DIVISION IV.

150. Nothing in this Division (other than subsection (5) of section 153) shall apply to a mutual life assurance company limited by guarantee so long as that company complies with the provisions of the law of the Commonwealth for the time being in force relating to the keeping of registers, indexes and other records relating to its members.

Non-application of the Division to mutual life assurance companies.
Vic. s. 125.
Tas. s. 112.

151. (1) Every company shall keep a register of its members and enter therein—

Register and index of members.

- (a) the names and addresses of the members, and in the case of a company having a share capital a statement of the shares held by each member, distinguishing each share by its number (if any) or by the number (if any) of the certificate evidencing the members' holding and of the amount paid or agreed to be considered as paid on the shares of each member ;
- (b) the date at which the name of each person was entered in the register as a member ;
- (c) the date at which any person who ceased to be a member during the previous seven years so ceased to be a member ; and
- (d) in the case of a company having a share capital, the date of every allotment of shares to members and the number of shares comprised in each allotment.

U.K. ss. 110, 118.
N.S.W. ss. 78, 85.
Vic. s. 126.
Qsld. ss. 107, 108.
S.A. ss. 119, 120, 126.
W.A. ss. 103, 104, 109.
Tas. s. 113.

(2) Notwithstanding anything in subsection (1) of this section, where the company has converted any of its shares into stock and given notice of the conversion to the Registrar, the company shall alter the register to show the amount of stock or number of stock units held by each member instead of the number of shares and the particulars relating to shares specified in paragraph (a) of subsection (1) of this section.

(3) Notwithstanding anything in subsection (1) of this section, a company may keep the names and particulars relating to persons who have ceased to be members of the company separately and the names and particulars relating to former members need not be supplied to any person who applies for a copy of the register unless he specifically requests the names and particulars of former members.

(4) The register of members shall be *prima facie* evidence of any matters inserted therein as required or authorized by this Act.

s. 151. ANSETT V. GUINEA AIRWAYS LIMITED AND POTTER (1945) S.A.S.R. 94. Semble, the omission of the occupation of a person is not fatal to the valid registration as a member of a company notwithstanding that section 119 of the Companies Act, 1934, requires a statement of the occupation.

PART V.

DIVISION IV.

Index of
members of
company.

(5) Every company having more than fifty members shall, unless the register of members is in such a form as to constitute in itself an index, keep an index in convenient form of the names of the members and shall, within fourteen days after the date on which any alteration is made in the register of members, make any necessary alteration in the index.

(6) The index shall in respect of each member contain a sufficient indication to enable the account of that member in the register to be readily found.

(7) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Where
register to be
kept.

U.K. s. 110.
N.S.W. s. 81.
Vic. s. 127.
Qsld. s. 110.
S.A. s. 122.
W.A. s. 105.
Tas. s. 115.

152. (1) The register of members and index (if any) shall be kept at the registered office of the company, but—

(a) if the work of making them up is done at another office of the company within the State they may be kept at that other office ; or

(b) if the company arranges with some other person to make up the register and index (if any) on its behalf they may be kept at the office of that other person at which the work is done if that office is within the State.

(2) Every company shall, within seven days after the register and index (if any) are first kept at a place other than the registered office, lodge with the Registrar notice in the prescribed form of the place where the register and index (if any) are kept and shall, within seven days after any change in the place at which the register and index (if any) are kept, lodge with the Registrar notice in the prescribed form of the change.

(3) If default is made in complying with this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Inspection and
closing of
register.

U.K. s. 115.
N.S.W. ss. 81,
82.
Vic. s. 128.
Qsld. ss. 110,
111.
S.A. ss. 122,
123.
W.A. ss. 105,
106.
Tas. s. 110.

153. (1) A company may, on giving not less than fourteen days' notice by advertisement in some daily newspaper circulating generally throughout the State, close the register of members or any class of members for any time or times, but so that no part of the register shall be closed for more than thirty days in the aggregate in any calendar year.

(2) The register and index shall be open to the inspection of any member without charge and of any other person on payment for each inspection of five shillings or such less sum as the company requires.

(3) Any member or other person may request the company to furnish him with a copy of the register, or of any part thereof, but only so far as it relates to names, addresses, number of shares held and amounts paid on shares, on payment in advance of two shillings or such lesser sum as the company requires for every hundred words or fractional part thereof required to be copied, and the company shall cause any copy so requested by any person to be sent to that person within a period of twenty-one days commencing on the day next after the day on which the request is received by the company or within such further period as the Registrar considers reasonable in the circumstances.

(4) If any copy so requested is not sent within the period prescribed by subsection (3) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Twenty pounds. Default penalty.

(5) Any member of a mutual life assurance company, being a company limited by guarantee, shall be entitled to inspect any register, index, or other record of the company that relates to the members of the company, but may make copies of or take extracts from such a register, index or record only in relation to names, addresses and voting entitlements of the members of the company.

154. Where, by virtue of paragraph (b) of subsection (1) of section 152, the register of members is kept at the office of some person other than the company, and, by reason of any default of that other person, the company fails to comply with subsection (1) or subsection (2) of that section or with section 153 or with any requirements of this Act as to the production of the register, that other person shall be liable to the same penalties as if he were an officer of the company who was in default, and the power of the Court under section 373 shall extend to the making of orders against that other person and his officers and servants.

Consequences
of default by
agent.
U.K. s. 114.

PART V.

DIVISION IV.

Power of
Court to
rectify
register.U.K. s. 116.
N.S.W. s. 83.
Vic. s. 129.
Qsld. s. 112.
S.A. s. 124.
W.A. s. 107.
Tas. s. 117.

155. (1) If—

- (a) the name of any person is without sufficient cause entered in or omitted from the register ; or
- (b) default is made or unnecessary delay takes place in entering in the register the fact of any person having ceased to be a member,

the person aggrieved or any member or the company may apply to the Court for rectification of the register, and the Court may refuse the application or may order rectification of the register and payment by the company of any damages sustained by any party to the application.

(2) On any application under subsection (1) of this section the Court may decide—

- (a) any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members or between members or alleged members on the one hand and the company on the other hand ; and
- (b) generally, any question necessary or expedient to be decided for the rectification of the register.

(3) Where a company is required by this Act to lodge a return containing a list of its members with the Registrar, the Court when making an order for rectification of the register shall by its order direct a notice of the rectification to be so lodged.

s. 155. LEVI V. WHEAL JAMES MINING COMPANY (1878) S.A.L.R. 1226; 3 Austr. Digest 709. In *re* THE PARARA MINING AND SMELTING COMPANY LIMITED; *Ex parte* H. A. WOOD (1879) 13 S.A.L.R. 117; 3 Austr. Digest 709. Held in both cases on the facts that the shareholder had not been guilty of such laches as to disentitle him to have the register rectified.

In the matter of the MOUNT JAMES CONSOLIDATED SILVER MINING COMPANY LIMITED (1889) 23 S.A.L.R. 127; 3 Austr. Digest 1024. Ordered that a shareholder's name be removed from the register, where the promoter of the company had procured the shareholder to be registered without payment of money in order to secure the number of applications for shares necessary to "float" the company; "flotation" being a condition precedent to making certain payments to the promoter's nominees.

HOOD V. IVANHOE SOUTH EXTENDED GOLD MINING COMPANY (1899) S.A.L.R. 146; 3 Austr. Digest 707. Where an irregular entry of a shareholder's name on the register was ratified by the company, but the name was subsequently removed from the register, held that the name must be restored to the register.

COMMONWEALTH HOMES AND INVESTMENT COMPANY LIMITED V. MACKELLAR (1939) 63 C.L.R. 351; 13 A.L.J. 382. A *bona fide* dispute between a company and a person whose name appears in its share register, arising out of a claim by that person that the allotment of the shares, or the agreement to take the shares, is void or voidable by him may be the subject of a compromise resulting in the cancellation of the allotment of the shares and the removal of his name from the share register.

156. (1) Any trustee, executor or administrator of the estate of any deceased person who was registered in a register or branch register kept in the State as the holder of a share in any corporation may become registered as the holder of that share as trustee, executor or administrator of that estate and shall in respect of that share be subject to the same liabilities, and no more, as he would have been subject to if the share had remained registered in the name of the deceased person.

(2) Any trustee, executor or administrator of the estate of any deceased person who was equitably entitled to a share in any corporation being a share registered in a register or branch register kept in the State may, with the consent of the corporation and of the registered holder of that share, become registered as the holder of the share as trustee, executor or administrator of that estate and shall in respect of the share be subject to the same liabilities, and no more, as he would have been subject to if the share had been registered in the name of the deceased person.

(3) Shares in a corporation registered in a register or branch register kept in the State and held by a trustee in respect of a particular trust may with the consent of the corporation be marked in the register or branch register in such a way as to identify them as being held in respect of the trust.

(4) Except as provided in this section no notice of any trust expressed, implied or constructive, shall be entered on the register or be receivable by the Registrar and no liabilities shall be affected by anything done in pursuance of subsection (1) or (2) or (3) of this section and the corporation concerned shall not be affected with notice of any trust by anything so done or be bound to see to the execution of any trust expressed, implied or constructive, to which any of the shares in the corporation may be subject.

(5) A person who holds shares in a proprietary company or a prescribed private company as defined in section 397 as trustee for, or otherwise on behalf of or on account of, a corporation shall—

- (a) if the shares are so held at the commencement of this Act, within one month after such commencement ; or
- (b) if the shares are acquired and so held after the commencement of this Act, within one month after they are so acquired,

give the secretary of the proprietary company or prescribed private company notice in writing that he so holds the shares.

s. 156. ANSETT V. GUINEA AIRWAYS LIMITED AND POTTER (1945) S.A.S.R. 94. Semble, where the registration requires a statement of the occupation under section 125 of the Companies Act, 1934, the description of the person as "executor" will satisfy the requirement to state the occupation.

PART V.

DIVISION IV.

Branch registers.

U.K. ss. 119-123.

N.S.W. ss. 86, 87.

Vic. s. 181.

Qsld. ss. 116

117.

S.A. ss. 127

128.

W.A. s. 110.

Tas. s. 11

157. (1) A company having a share capital may cause to be kept in any place outside the State a branch register of members which shall be deemed to be part of the company's register of members.

(2) The company shall lodge with the Registrar notice in the prescribed form of the situation of the office where any branch register is kept and of any change in its situation, and if it is discontinued of its discontinuance, and any such notice shall be lodged within one month after the opening of the office or of the change or discontinuance, as the case may be.

(3) A branch register shall be kept in the same manner in which the principal register is by this Act required to be kept, except that the advertisement required before the register is closed shall be inserted in some newspaper circulating generally in the district where the branch register is kept.

(4) The company shall transmit to the office at which its principal register is kept a copy of every entry in its branch register as soon as may be after the entry is made, and shall cause to be kept at that office, duly entered up from time to time, a duplicate of its branch register, which shall for all purposes of this Act be deemed to be part of the principal register.

(5) Subject to the provisions of this section with respect to the duplicate register the shares registered in a branch register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a branch register shall, during the continuance of that registration, be registered in any other register.

(6) A company may discontinue a branch register and thereupon all entries in that register shall be transferred to some other branch register kept by the company in the same place or to the principal register.

(7) If, by virtue of the law in force in any other State or Territory of the Commonwealth or in any other country, any corporation incorporated under that law keeps in the State a branch register of its members, the Governor may by order published in the *Government Gazette* declare that the provisions of this Act relating to inspection, place of keeping and rectification of registers of members shall, subject to any modifications specified in the order, apply to and in relation to any such branch register kept in the State as they apply to and in relation to the registers of companies under this Act and thereupon those provisions shall apply accordingly.

(8) If default is made in complying with this section the company and every officer of the company who is in default and

every person who, pursuant to section 152 has arranged to make up the principal register, and who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

DIVISION V.—ANNUAL RETURN.

DIVISION V.

158. (1) Every company having a share capital shall make a return containing the particulars referred to in Part I of the Eighth Schedule and accompanied by such copies of documents as are required to be included in the return in accordance with Part II of that Schedule and such of the certificates and other particulars prescribed in that part as are applicable to the company.

Annual return by a company having a share capital.
U.K. s. 124.
N.S.W. ss. 88, 90.
Vic. s. 132.
Qsld. s. 118.
S.A. s. 129.
W.A. s. 112.
Tas. s. 120.
Eighth Schedule.

(2) The return shall be in accordance with the form set out in Part II of the Eighth Schedule or as near thereto as circumstances admit and shall be made up to the date of the annual general meeting of the company in the year, or a date not later than the fourteenth day after the date, of the annual general meeting.

(3) In the case of a company keeping a branch register the particulars of the entries in that register shall, so far as they relate to matters which are required to be stated in the return be included in the return made next after copies of those entries are received at the registered office of the company.

(4) The annual return signed by a director or by the manager or secretary of the company shall be lodged with the Registrar within one month or, in the case of a company keeping pursuant to its articles a branch register in any place outside the Commonwealth, within two months after the annual general meeting.

(5) The Registrar may, on the application of an exempt proprietary company, or a prescribed proprietary company or a prescribed private company to which section 398 applies, by notice in writing given to such company, fix a date in lieu of the date of the annual general meeting of the company as the date—

(a) up to which the return to be made by that company under subsection (2) of this section must be made ; and

(b) from which the time within which the return must be lodged under subsection (4) of this section is to be calculated,

and when a date has been so fixed, this section shall be construed, so far as it applies to that company, as if the date so fixed were substituted for the date of the annual general meeting referred to in subsections (2) and (4) of this section.

DIVISION V.

(6) If a company fails to comply with this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Annual return by company not having a share capital.
U.K. s. 125.
N.S.W. s. 89.
Vic. s. 133.
Qsld. s. 119.
S.A. s. 130.
W.A. s. 113.
Tas. s. 121.

159. (1) A company not having a share capital shall, within one month after each annual general meeting of the company, lodge with the Registrar a return in the prescribed form containing the particulars referred to in subsection (2) of this section and made up to the date of the annual general meeting or a date not later than the fourteenth day after the date of the annual general meeting.

(2) The return shall contain—

- (a) the address of the registered office of the company ;
- (b) in a case in which the register of members is, under this Act, kept elsewhere than at the office, the address of the place where it is kept ;
- (c) particulars of the total amount of the indebtedness of the company in respect of all charges which are required to be registered with the Registrar ;
- (d) all such particulars with respect to the persons who on the day to which the return is made up are the directors, managers or secretaries of the company as are required to be contained in the register of directors, managers and secretaries ;
- (e) the name and address of the auditor of the company ; and
- (f) such other matters relating to the accounts of the company and to the unclaimed moneys held by the company as are prescribed.

(3) If a company fails to comply with this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Exemption of certain companies.

Vic. s. 134.
Tas. s. 122.

160. (1) A public company which—

- (a) has more than five hundred members ;
- (b) keeps its principal share register at a place within three miles of the office of the Registrar ; and
- (c) provides reasonable accommodation and facilities for persons to inspect and take copies of its list of members and its particulars of shares transferred—

Eighth Schedule.

need not comply with such of the provisions of this Division and the Eighth Schedule as relate to the inclusion in the annual return of a list of members if there is included in the annual return a certificate in the prescribed form by the secretary that the company is of a kind to which this subsection applies.

(2) The Governor may by order published in the *Government Gazette* require any company to which subsection (1) of this section applies to comply with all or any of the provisions of this Division or of the Eighth Schedule referred to in subsection (1) of this section.

(3) If default is made in complying with an order made under subsection (2) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

PART VI.

PART VI.

ACCOUNTS, AUDIT AND INVESTIGATION.

DIVISION I.—ACCOUNTS

DIVISION I.

161. (1) Every company and the directors and managers thereof shall cause to be kept in the English language such accounting and other records as will sufficiently explain the transactions and financial position of the company and enable true and fair profit and loss accounts and balance-sheets and any documents required to be attached thereto to be prepared from time to time, and shall cause those records to be kept in such manner as to enable them to be conveniently and properly audited.

Accounts
to be kept.
U.K. s. 147.
N.S.W. s. 102.
Vic. s. 136.
Qsl'd. s. 132.
S.A. s. 141.
W.A. s. 125.
Tas. s. 130.

(2) The company shall retain the records referred to in subsection (1) of this section for seven years after the completion of the transactions or operations to which they respectively relate.

(3) The records referred to in subsection (1) of this section shall be kept at the registered office of the company or at such other place as the directors think fit and shall at all times be open to inspection by the directors.

(4) If accounting and other records are kept by the company at a place outside the State there shall be sent to and kept at a place in the State and be at all times open to inspection by the directors such statements and returns with respect to the business dealt with in the records so kept as will enable to be prepared true and fair profit and loss accounts and balance-sheets and any documents required to be attached thereto.

(5) The court may in any particular case order that the accounting and other records of a company be open to inspection by a registered company auditor acting for a director, but only upon an undertaking in writing given to the Court that information acquired by the auditor during his inspection shall not be disclosed by him except to that director.

PART VI.
DIVISION I.

(6) If default is made in complying with any of the provisions of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Imprisonment for three months or One hundred pounds. Default penalty.

Profit and loss account, balance-sheet and directors' report.

U.K. ss. 148, 149, 156, 157.
N.S.W. ss. 103, 104, 110.
Vic. s. 137.
Qsld. ss. 133, 134.
S.A. ss. 142, 148, 149.
W.A. s. 126.
Tas. ss. 131, 132.

162. (1) The directors of every company shall at some date not later than eighteen months after the incorporation of the company and subsequently once at least in every calendar year, at intervals of not more than fifteen months, lay before the company in general meeting a profit and loss account for the period since the preceding account (or in the case of the first account, since the incorporation of the company) made up to a date not more than six months before the date of the meeting.

(2) Notwithstanding the provisions of subsection (1) of this section the Registrar, on application by the company, if for any special reason he thinks fit so to do, may extend the period of eighteen months referred to in that subsection and with respect to any year extend the period of six months referred to in that subsection, notwithstanding that that period is so extended beyond the calendar year.

(3) The directors of every company shall cause to be made out, and to be laid before the company in general meeting, with the profit and loss account required by subsection (1) of this section, a balance-sheet as at the date to which the profit and loss account is made up.

(4) Where a company is required by the provisions of section 165 to appoint an auditor, the profit and loss account and the balance-sheet of the company shall be duly audited before they are laid before the company in general meeting as required by this section.

(5) The directors of a company shall cause to be attached to every balance-sheet made out pursuant to this section a report signed by or on behalf of the directors with respect to the state of the company's affairs.

(6) Each report referred to in subsection (5) of this section shall state—

- (a) whether or not the results of the company's operations in the period covered by the profit and loss account have in the opinion of the directors been materially affected by items of an abnormal character ;
- (b) the amount, if any, which has been paid or declared or which they recommend should be paid by way of dividend ;
- (c) the amount, if any, which they propose to carry to the reserve fund, general reserve or reserve account shown specifically on the balance-sheet or to a

reserve fund, general reserve or reserve account to be shown specifically on a subsequent balance-sheet ; and

- (d) where the directors are of the opinion that any current assets would not realize at least the value at which they are shown in the accounts of the company, their opinion as to the amount that those current assets might reasonably be expected to realize in the ordinary course of business of the company.

(7) In subsection (6) of this section, without affecting the generality of the expression "items of an abnormal character", that expression includes—

- (a) any change in accounting principles adopted since the last report ;
- (b) any transfers to or from reserves or provisions ;
- (c) any writing off of substantial amounts of bad debts ;
- (d) any substantial increase or decrease in the value of trading stock owing to a change in the basis of valuation of the whole or any part of the trading stock ;
- (e) any item of an unusual nature or value which appears in the accounts ; and
- (f) any absence from the accounts of any material item usually included therein.

(8) Where any option has been granted during the period covered by the profit and loss account to take up unissued shares of a company, the report required by subsection (5) of this section shall state—

- (a) the name of the person to whom the option has been granted ;
- (b) the number and class of shares in respect of which the option has been granted ;
- (c) the date of expiration of the option ;
- (d) the basis upon which the option may be exercised ; and
- (e) whether the person to whom the option has been granted has any right to participate by virtue of the option in any share issue of any other company.

(9) Each report required by subsection (5) of this section shall specify—

- (a) particulars of shares issued during the period to which the report relates by virtue of the exercise of options to take up unissued shares of the company, whether granted before or during that period ; and

(b) the number and class of unissued shares of the company under option as at the end of that period, the price, or method of fixing the price, of issue of those shares, the date of expiration of the option and the rights, if any, of the persons to whom the options have been granted to participate by virtue of the options in any share issue of any other company.

(10) The provisions of paragraph (a) of subsection (8) of this section shall not apply in any case where the option to take up shares of the company has been conferred generally on all the holders of a class of shares or debentures of the company.

(11) Every balance-sheet referred to in subsection (3) of this section shall give a true and fair view of the state of affairs of the company as at the end of the period to which it relates and every profit and loss account referred to in subsection (1) of this section shall give a true and fair view of the profit or loss of the company for the period of accounting as shown in the accounting and other records of the company, and without affecting the generality of the foregoing, every such balance-sheet and profit and loss account shall comply with the requirements of the Ninth Schedule so far as they are applicable thereto, but where under the law of the Commonwealth relating to banking a company is required to prepare a balance-sheet and profit and loss account annually, a balance-sheet and a profit and loss account, each of which complies with that law, shall be deemed to comply with the provisions of this Act relating to the form and content of balance-sheets and profit and loss accounts and the provisions of subsection (5) of this section shall not apply to any such balance-sheet.

Ninth Sched.

(12) Every balance-sheet and profit and loss account of a company shall be accompanied by a statement signed on behalf of the directors by two directors of the company, or in the case of a proprietary company or a private company having one director only, by that director, stating that in their or his opinion—

(a) the profit and loss account is drawn up so as to give a true and fair view of the results of the business of the company for the period covered by the account ; and

(b) the balance-sheet is drawn up so as to exhibit a true and fair view of the state of affairs of the company as at the end of that period.

(13) Every balance-sheet and profit and loss account laid before a company in general meeting shall be accompanied by a statutory declaration by the secretary of the company verifying to the best of his knowledge and belief the correctness of the balance-sheet and profit and loss account.

(14) Any document (other than a balance-sheet prepared in accordance with this Act) or advertisement published, issued or circulated by or on behalf of a company (other than a banking corporation) shall not contain any direct or indirect representation that the company has any reserve unless the representation is accompanied—

- (a) if the reserve is invested outside the business of the company—by a statement showing the manner in which and the security upon which it is invested ; or
- (b) if the reserve is being used in the business of the company—by a statement to the effect that the reserve is being so used.

(15) None of the preceding provisions of this section shall apply to a company registered under the law of the Commonwealth relating to life insurance, but every such company shall lodge with the Registrar a copy of every balance-sheet, revenue account and profit and loss account which it is required to lodge under that law within nine months after the expiration of the period in respect of which the balance-sheet, revenue account and profit and loss account were prepared.

163. (1) If any director of a company fails to take all reasonable steps to secure compliance by the company with the foregoing provisions of this Division or has by his own wilful act been the cause of any default by the company thereunder, he shall be guilty of an offence against this Act.

Penalty.
U.K. s. 147 (4)
N.S.W. s. 102.
Vic. s. 138.
Qsid. s. 133 (3).
S.A. s. 142 (3),
148 (2).
W.A. s. 126.
Tas. s. 134.

Penalty : Imprisonment for six months or two hundred pounds.

(2) In any proceedings against a person for failure to take reasonable steps to secure compliance by a company with the foregoing provisions of this Division, it shall be a defence to prove that he had reasonable ground to believe, and did believe, that a competent and reliable person was charged with the duty of seeing that those provisions were complied with and was in a position to discharge that duty.

(3) A person shall not be sentenced to imprisonment for any offence under this section unless in the opinion of the court dealing with the case the offence was committed wilfully.

164. (1) A copy of every profit and loss account and balance-sheet (including every document required by law to be attached thereto) which is to be laid before a company in general meeting accompanied, if the company is required by this Act to appoint an auditor, by a copy of the auditor's report thereon shall, not less than seven days before the date of the meeting, be sent to all persons entitled to receive notice of general meetings of the company.

Members of company entitled to balance-sheet, etc.
U.K. s. 158.
N.S.W. s. 111.
Vic. s. 139.
Qsid. s. 140.
S.A. s. 150, 151.
W.A. s. 134.
Tas. s. 135.

PART VI.

DIVISION I.

(2) Any member of a company whether he is or is not entitled to have sent to him copies of the profit and loss accounts and balance-sheets to whom copies have not been sent and any holder of debentures shall, on a request being made by him to the company, be furnished by the company without charge with a copy of the last profit and loss account and balance-sheet of the company (including every document required by this Act to be attached thereto) together with a copy of the auditor's report (if any) thereon.

(3) If default is made in complying with subsection (1) or (2) of this section by reason of a failure to send a copy of a document to a person or to furnish a person with a copy of a document, the company and every officer of the company who is in default shall be guilty of an offence against this Act, unless it is proved that that person had been furnished with a copy of the document before the commission of the offence.

Penalty : Twenty pounds. Default penalty.

(4) Nothing in this section shall apply to a mutual life assurance company limited by guarantee registered under the law of the Commonwealth relating to life insurance.

DIVISION II.

DIVISION II—AUDIT.

Appointment and remuneration of auditors.

U.K. ss. 159-161.
N.S.W. s. 113.
Vic. s. 141.
Qld. ss. 142, 143.
S.A. s. 153.
W.A. s. 137.
Tas. s. 137.

165. (1) At any time before the first annual general meeting of a company, the directors of the company may appoint, or (if the directors do not make an appointment) the company at a general meeting may appoint, a person or persons to be the auditor or auditors of the company, and any auditor so appointed shall, subject to this section, hold office until the first annual general meeting.

(2) A company shall at each annual general meeting of the company appoint a person or persons to be the auditor or auditors of the company, and any auditor so appointed shall, subject to this section, hold office until the next annual general meeting of the company.

(3) Subject to subsections (7) and (8) of this section, the directors of a company may fill any casual vacancy in the office of auditor of the company, but while such a vacancy continues the surviving or continuing auditor or auditors, if any, may act.

(4) An auditor of a company may be removed from office by resolution of the company at a general meeting of which special notice has been given, but not otherwise.

(5) Where special notice of a resolution to remove an auditor is received by a company—

(a) it shall forthwith send a copy of the notice to the auditor concerned and to the Board ; and

(b) the auditor may, within seven days after the receipt by him of the copy of the notice make representations in writing to the company (not exceeding a reasonable length) and request that, prior to the meeting at which the resolution is to be considered, a copy of the representations be sent by the company to every member of the company to whom notice of the meeting is sent.

(6) Unless the Board on the application of the company otherwise orders, the company shall send a copy of the representations as so requested and the auditor may (without prejudice to his right to be heard orally) require that the representations be read out at the meeting.

(7) Where an auditor of a company is removed from office in pursuance of subsection (4) of this section at a general meeting of the company—

(a) the company may, at the meeting (by a resolution passed by a majority of not less than three-fourths of such members of the company as, being entitled so to do, vote in person or, where proxies are allowed, by proxy) forthwith appoint another person nominated at the meeting as auditor ; or

(b) the meeting may be adjourned to a date not earlier than twenty days and not later than thirty days after the meeting and the company may, by ordinary resolution, appoint another person as auditor, being a person notice of whose nomination as auditor has, at least ten days before the adjourned meeting, been received by the company.

(8) A company shall, forthwith after the removal of an auditor from office in pursuance of subsection (4) of this section, give notice in writing of the removal to the Board and, if the company does not appoint another auditor under subsection (7) of this section, the Board shall appoint an auditor.

(9) An auditor appointed in pursuance of subsection (7) or (8) of this section shall, subject to this section, hold office until the next annual general meeting of the company.

(10) Notwithstanding the provisions of this section, it shall not be necessary for an exempt proprietary company to appoint an auditor at a particular annual general meeting of the company if—

(a) all the members of the company have agreed at or before the meeting that it is not necessary for the company to appoint an auditor at that meeting ; and

(b) the secretary of the company has recorded a minute to that effect in the book containing the minutes of proceedings of general meetings of the company.

(11) If a company required by this section to appoint an auditor or auditors does not do so, the Board may on the application in writing of any member of the company make the appointment.

(12) A person shall not be capable of being appointed auditor of a company at an annual general meeting unless he held office as auditor of the company immediately before the meeting or notice of his nomination as auditor was given to the company by a member of the company not less than twenty-one days before the meeting.

(13) Where notice of nomination of a person as an auditor of a company is received by the company whether for appointment at an adjourned meeting under subsection (7) of this section or at an annual general meeting, the company shall, not less than seven days before the adjourned meeting or the annual general meeting, send a copy of the notice to the person nominated, to each auditor, if any, of the company and to each person entitled to receive notice of general meetings of the company.

(14) If, after notice of nomination of a person as an auditor of a company has been given to the company, the annual general meeting of the company is called for a date twenty-one days or less after the notice has been given, subsection (12) of this section shall not apply in relation to the person and, if the annual general meeting is called for a date not more than seven days after the notice has been given and a copy of the notice is, at the time notice of the meeting is given, sent to each person to whom, under subsection (13) of this section, it is required to be sent, the company shall be deemed to have complied with that subsection in relation to the notice.

(15) The fees and expenses of an auditor of a company—

(a) in the case of an auditor appointed by the company at a general meeting—shall be fixed by the company in general meeting or, if so authorized by the members at the last preceding annual general meeting, by the directors; and

(b) in the case of an auditor appointed by the directors or by the Board—may be fixed by the directors or by the Board, as the case may be and, if not so fixed, shall be fixed as provided in paragraph (a) of this subsection as if the auditor had been appointed by the company.

166. (1) If a company is served with a notice sent by or on behalf of—

- (a) at least ten per centum of the total number of members of the company ; or
- (b) the holders in aggregate of not less than ten per centum in nominal value of the company's issued share capital,

requiring particulars of all emoluments paid to or receivable by the auditor of the company or any person who is a partner or employer or employee of the auditor, by or from the company or any subsidiary of the company in respect of services other than auditing services rendered to the company, the company shall forthwith—

- (i) prepare or cause to be prepared a statement showing particulars of all emoluments paid to the auditor or other person and of the services in respect of which the payments have been made for the financial year immediately preceding the service of such notice ;
- (ii) forward a copy of the statement to all persons entitled to receive notice of general meetings of the company ; and
- (iii) lay such statement before the company in general meeting.

(2) If default is made in complying with any of the provisions of this section the company and every director of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

167. (1) Every auditor of a company shall report to the members as to every balance-sheet and profit and loss account laid before the company in general meeting during his tenure of office and shall state in the report whether in his opinion—

- (a) the balance-sheet and profit and loss account are properly drawn up in accordance with the provisions of this Act and so as to give a true and fair view of the state of the company's affairs ; and
- (b) the accounting and other records (including registers) examined by him are properly kept in accordance with the provisions of this Act.

(2) Every auditor shall, as the case requires, state in his report—

- (a) if he has not obtained all the information and explanations that he required ;

Powers and duties of auditors as to reports on accounts.

U.K. s. 162.
N.S.W. s. 115.
Vic. s. 142.
Qsld. s. 144.
S.A. s. 155.
W.A. s. 139.
Tas. s. 139.

- (b) if, in his opinion, proper accounting and other records (including registers) have not been kept by the company ;
- (c) if, in his opinion, the returns submitted from branches not visited by the auditor are inadequate ;
- (d) if, in his opinion, according to the best of his information and the explanations given to him and as shown by the accounting and other records of the company the profit and loss account is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the results of the business of the company for the period of accounting ;
- (e) if, in his opinion, according to the best of his information and the explanations given to him and as shown by the accounting and other records of the company the balance sheet is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the state of the company's affairs as at the end of the period of accounting ; and
- (f) if, in his opinion, according to the best of his information and the explanations given to him, the accounting and other records (including registers), the balance-sheet and the profit and loss account do not give the information required by this Act,

and shall give particulars of any failure or shortcoming in respect of any of the matters referred to in this subsection.

(3) Every auditor shall have a right of access at all times to the accounting and other records (including registers) of the company and shall be entitled to require from the officers of the company such information and explanation as he desires for the audit.

(4) The auditor's report shall be attached to the balance-sheet and the profit and loss account and shall, if any member so requires, be read before the company in general meeting and shall be open to inspection by any member.

(5) The auditor shall be entitled to attend any general meeting of the company and to receive all notices of and other communications relating to any general meeting which any member is entitled to receive and to be heard at any general meeting which he attends on any part of the business of the meeting which concerns him as auditor.

(6) Any officer of a company who refuses or fails without lawful justification to allow any auditor access to any accounting and other records (including registers) of the company in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays an auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

DIVISION III.—INSPECTION.

DIVISION III.

168. (1) This Division does not authorize any investigation into the life insurance business of a company.

Application and interpretation.

(2) In this Division "officer or agent" in relation to a corporation includes—

N.S.W. s. 118 (4).
Vic. s. 143.
S.A. s. 158 (4).
W.A. s. 142 (4).
Tas. s. 140.

(a) a director, banker, solicitor or auditor of the corporation ;

(b) a person who at any time—

(i) has been a person referred to in paragraph (a) of this subsection ; or

(ii) has been otherwise employed or appointed by the corporation ;

(c) a person who—

(i) has in his possession any property of the corporation ;

(ii) is indebted to the corporation ; or

(iii) is capable of giving information concerning the promotion, formation, trading, dealings, affairs or property of the corporation ; and

(d) where there are reasonable grounds for suspecting or believing that a person is a person referred to in paragraph (c) of this subsection—that person.

169. (1) The Governor may appoint one or more inspectors to investigate the affairs of a company or such aspects of the affairs of a company as are specified in the instrument of appointment and to report thereon in such manner as the Governor directs—

Investigation of affairs of company by inspectors at direction of Governor.

U.K. s. 165.
N.S.W. s. 116.
Vic. s. 144.
Qld. ss. 145
146.
S.A. ss. 156,
157.
W.A. ss. 140,
143.
Tas. s. 141.

(a) in the case of a company (not being a banking corporation) having a share capital, on the application of not less than two hundred members or of

members holding not less than one-tenth of the shares issued or on the application of holders of debentures holding not less than one-fifth in nominal value of debentures issued ;

(b) in the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members ; or

(c) in the case of a banking corporation having a share capital, on the application of members holding not less than one-third of the shares issued.

(2) The application shall be supported by such evidence as the Governor requires as to the reasons for the application and the motives of the applicants in requiring the investigation, and the Governor may before appointing an inspector require the applicants to give security to such amount as he thinks fit for payment of the costs of the investigation.

(3) An inspector may, and if so directed by the Minister shall, make interim reports to the Governor and on the conclusion of the investigation the inspector shall report his opinion on or in relation to the affairs that he has been appointed to investigate together with the facts upon which his opinion is based to the Governor, and a copy of the report shall be forwarded by the Governor to the registered office of the company, and a further copy shall at the request of the applicants be delivered to them.

(4) The Governor may, if he is of the opinion that it is necessary in the public interest so to do, cause the report to be printed and published.

(5) If from the report it appears to the Governor that any person has been guilty of any offence in relation to the company, the Governor may refer the matter to the Minister.

(6) If where any matter is referred to the Minister under subsection (5) of this section he considers that the case is one in which a prosecution ought to be instituted he shall cause a prosecution to be instituted accordingly and all officers and agents of the company (other than the defendant in the proceedings) shall on being required by the Minister so to do give all assistance in connection with the prosecution which they are reasonably able to give.

(7) If from any report under this section it appears to the Minister that proceedings ought in the public interest to be brought by any company dealt with by the report for the recovery of damages in respect of any fraud, misfeasance or other misconduct in connection with the promotion or formation of that company or in the management of its affairs or for the

recovery of any property of the company which has been misapplied or wrongfully retained he may himself bring proceedings for that purpose in the name of the company.

170. (1) A company may by special resolution appoint one or more inspectors to investigate its affairs.

(2) On the conclusion of the investigation the inspector shall report his opinion in such manner and to such persons as the company in general meeting directs.

Investigation
by resolution
of company.
U.K. s. 164.
N.S.W. s. 118.
Vic. s. 145.
Qsld. s. 147.
S.A. s. 158.
W.A. s. 142.
Tas. s. 142.

171. (1) If an inspector appointed to investigate the affairs of a company thinks it necessary for the purposes of the investigation to investigate also the affairs of any other corporation which is or has at any relevant time been deemed to be or to have been related to that company by virtue of subsection (5) of section 6 he shall have power so to do, and shall report on the affairs of the other corporation so far as he thinks the results of the investigation thereof are relevant to the investigation of the affairs of the company.

Procedure and
costs of
inquiry.

U.K. ss. 166-
171.
N.S.W. s. 116.
Vic. s. 146.
Qsld. ss. 145,
146.
S.A. ss. 156,
157, 158, 159.
W.A. s. 140.
Tas. s. 143

(2) Every officer and agent of a corporation the affairs of which are being investigated under this Division shall if required by an inspector appointed under this Division produce to the inspector all books and documents in his custody or power and shall give to the inspector all assistance in connection with the investigation which he is reasonably able to give.

(3) An inspector may, by notice in the prescribed form, require any officer or agent of any corporation whose affairs are being investigated pursuant to this Division to appear for examination on oath or affirmation (which he is hereby authorized to administer) in relation to its business; and the notice may require the production of all books and documents in the custody or under the control of that officer or agent.

(4) If any officer or agent of any corporation the affairs of which are being investigated pursuant to this Division fails to comply with the requirements of any notice issued under subsection (3) of this section or fails or refuses to answer any question which is put to him by an inspector with respect to the affairs of the corporation, the inspector may certify the failure or refusal under his hand to the Court, which may thereupon inquire into the case and, after hearing any witnesses against or on behalf of the alleged offender and any statement offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

(5) No person who is or has formerly been an officer or agent of a corporation the affairs of which are being investigated under this Division shall be entitled to refuse to answer any

question which is relevant or material to the investigation on the ground that his answer might tend to incriminate him, but if he claims that the answer to any question might incriminate him and but for this subsection he would have been entitled to refuse to answer the question, the answer to the question shall not be used in any subsequent criminal proceedings except in the case of a charge against him for perjury committed by him in answer to that question.

(6) Except as expressly provided in subsection (5) of this section any person shall be entitled to refuse to answer a question on the ground that the answer might tend to incriminate him.

(7) An inspector may cause notes of any examination under this Division to be recorded and reduced to writing and to be read to or by and signed by the person examined and any such signed notes may, except in the case of any answer which that person would not have been required to give but for the provisions of subsection (5) of this section, thereafter be used in evidence in any legal proceedings against that person.

(8) The expenses of and incidental to an investigation under this Division (including the costs of any proceedings brought by the Minister in the name of the company) shall be paid—

(a) where as a result of the investigation a prosecution is instituted, out of moneys provided by Parliament ;
or

(b) in any other case, by the company investigated or, if the Governor so directs, by the applicants, or in part by the company and in part by the applicants.

(9) Notwithstanding the provisions of subsection (8) of this section—

(a) if the company fails to pay the whole or any part of the sum which it is so liable to pay, the applicants shall make good the deficiency up to the amount by which the security given by them under this Division exceeds the amount (if any) which they have under subsection (8) of this section been directed by the Governor to pay ; and

(b) any balance of the expenses not paid either by the company or the applicants shall be paid out of moneys provided by Parliament.

(10) A copy of the report of any inspector appointed under this Division certified as correct by the Minister shall be admissible in any legal proceeding as evidence of the opinion of the inspector in relation to any matter contained in the report and of the facts upon which his opinion is based.

DIVISION IV.—SPECIAL INVESTIGATIONS.

DIVISION IV.

172. (1) In this Division—

“company to which this Division applies” means a company or foreign company declared by the Governor in pursuance of this section to be a company to which this Division applies ;

Application and interpretations.
Vic. s. 147.
Qsld. s. 145 (8).
S.A. s. 158a (1), (1a), (1b), (4).
W.A. s. 143.
Tas. s. 144.

“officer or agent” has the same meaning as in section 168.

(2) Subject to subsection (3) of this section, the Governor may by proclamation published in the *Government Gazette*, declare that a company or foreign company is a company to which this Division applies.

(3) A declaration shall not be made in respect of a company or foreign company in pursuance of this section unless—

(a) the Governor is satisfied that a *prima facie* case has been established that, for the protection of the public, the holders of the interests to which the provisions of Division V of Part IV apply or the shareholders or creditors of the company or foreign company, it is desirable that the affairs of the company or foreign company should be investigated under this Division ; or

(b) in the case of a foreign company, the appropriate authority of another State or of a Territory of the Commonwealth, or of another country has requested that a declaration be made in pursuance of this section in respect of the company.

173. (1) The Governor may appoint one or more inspectors to investigate the affairs of any company to which this Division applies and to report thereon in such manner as the Governor directs.

Appointment of investigators
Vic. s. 148.
Qsld. s. 145 (8).
Tas. s. 145.
S.A. s. 158a.

(2) An appointment under this section shall in all respects have the same force and effect as an appointment of an inspector or inspectors pursuant to Division III of this Part, and for the purposes of this Division the provisions of and powers conferred by that Division, shall with such adaptations as are necessary extend and apply accordingly except that—

(a) the inspector shall report his opinion to the Minister ; and

(b) the expenses of and incidental to the investigation shall be defrayed out of moneys provided by Parliament.

(3) Notwithstanding the provisions of subsection (2) of this section the Governor may direct that the expenses or any portion thereof shall be paid by the company or any person who

requested that the appointment be made and, if the Governor so directs, any balance of the expenses shall be defrayed out of money provided by Parliament.

(4) An inspector may employ such persons as he considers necessary and in writing authorize any such person to do anything he could himself do, except to examine on oath or affirmation.

(5) Any officer or agent of a corporation who—

(a) refuses or fails to produce any book or document to any person who produces a written authority of an inspector given pursuant to subsection (4) of this section ; or

(b) refuses or fails to answer any question lawfully put to him by any such person,

shall be liable to be dealt with in the same manner as is provided in subsection (4) of section 171 for refusing or failing to comply with the request of an inspector.

Suspension
of actions
and proceed-
ings by
company, etc.
Vic. s. 140.
Tas. s. 146.

174. (1) On and after the appointment of an inspector in respect of any company to which this Division applies, until the expiration of three months after the inspector has presented his final report to the Minister, no action or proceeding shall without the consent of the Minister be commenced or proceeded with in any court—

(a) by the company upon or in respect of any contract, bill of exchange or promissory note ; or

(b) by the holder or any other person in respect of any bill of exchange or promissory note made, drawn or accepted by or issued, transferred, negotiated or endorsed by or to the company unless the holder or other person—

(i) at the time of the negotiation, transfer, issue, endorsement or delivery thereof to him gave therefor adequate pecuniary consideration ; and

(ii) was not at the time of the negotiation, transfer, issue, endorsement or delivery thereof to him or at any time within three years before that time a shareholder, officer, agent or employee of the company or the wife or husband of any shareholder, officer, agent or employee of the company.

(2) Any action or proceeding which is commenced or proceeded with in contravention of this section shall be void and of no effect.

175. (1) Application to the Court—

- (a) in the case of a company, for the winding up of the company ; or
- (b) in the case of a foreign company, for the winding up so far as the assets of the company within the State are concerned of the affairs of the company,

Winding up
of company
Vic. s. 150.
Tas. s. 147.
Qsld. s. 145 (8).

may be made on petition of the Minister at any time after a report has been made in respect of the company by an inspector under this Division, whereupon the provisions of this Act shall, with such adaptations as are necessary, apply as if—

- (i) (in the case of a company) a winding up petition had been duly presented to the Court by the company ; and
- (ii) (in the case of a foreign company) a petition for an order for the affairs of the company so far as assets within the State are concerned to be wound up within the State had been duly presented to the Court by a creditor or contributory of the company upon the liquidation of the company in the place in which it is incorporated.

(2) Where (in the case of a foreign company) on any petition under subsection (1) of this section an order is made for the affairs of the company so far as assets within the State are concerned to be wound up within the State, the company shall not carry on business or establish or keep a place of business within the State.

176. (1) Any person who with intent to defeat the purposes of this Division or to delay or obstruct the carrying out of an investigation under this Division—

Penalties
Vic. s. 15
Tas. s. 14

- (a) destroys or alters any book, document or record of or relating to a company to which this Division applies ; or

- (b) sends or attempts to send or conspires with any other person to send out of the State any such book, document or record or any property of any description belonging to or in the disposition or under the control of such a company,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years or five hundred pounds

(2) If in any prosecution for an offence against this section it is proved that the person charged with the offence—

(a) has destroyed or altered any book, document or record of or relating to the company ; or

(b) has sent or attempted to send or conspired to send out of the State any book, document or record or any property of any description belonging to or in the disposition or under the control of the company,

the onus of proving that in so doing he had not acted with intent to defeat the purposes of this Division or to delay or obstruct the carrying out of an investigation under this Division shall lie on him.

Appointment
and powers of
inspectors to
investigate
ownership of
company.
U.K. s. 172.

177. (1) Where it appears to the Minister that there is good reason so to do, he may appoint one or more inspectors to investigate and report on the membership of any company (whether or not it is a company to which this Division applies) and otherwise with respect to the company for the purpose of determining the true persons who are or have been financially interested in the success or failure (real or apparent) of the company or able to control or materially to influence the policy of the company.

(2) The appointment of an inspector under this section may define the scope of his investigation, whether as respects the matters or the period to which it is to extend or otherwise, and in particular may limit the investigation to matters connected with particular shares or debentures.

(3) Where an application for an investigation under this section with respect to particular shares or debentures of a company is made to the Minister by members of the company, and the number of applicants or the amount of the shares held by them is not less than that required for an application for the appointment of an inspector under Division III of this Part, the Minister shall appoint an inspector to conduct the investigation unless he is satisfied that the application is vexatious, and the inspector's appointment shall not exclude from the scope of his investigation any matter which the application seeks to have included therein, except in so far as the Minister is satisfied that it is unreasonable for that matter to be investigated.

(4) Subject to the terms of an inspector's appointment his powers shall extend to the investigation of any circumstances suggesting the existence of an arrangement or understanding which, though not legally binding, is or was observed or likely to be observed in practice and which is relevant to the purposes of his investigation.

(5) For the purposes of any investigation under this section the provisions of Division III of this Part shall apply with the necessary modifications of references to the affairs of the company or to those of any other corporation, but so that—

(a) that Division shall apply in relation to all persons who are or have been, or whom the inspector has reasonable cause to believe to be or to have been financially interested in the success or failure or the apparent success or failure of the company or any other corporation the membership of which is investigated with that of the company, or able to control or materially to influence the policy thereof, including persons concerned only on behalf of others, as they apply in relation to officers and agents of the company or of the other corporation, as the case may be ; and

(b) the Minister shall not be bound to furnish the company or any other person with a copy of any report by an inspector appointed under this section or with a complete copy thereof if he is of opinion that there is good reason for not divulging the contents of the report or of parts thereof, but shall cause to be kept by the Registrar a copy of the report or, as the case may be, the parts of the report, with respect to which he is not of that opinion.

(6) The expenses of any investigation under this section shall be defrayed out of moneys provided by Parliament.

178. (1) Where it appears to the Minister that there is good reason to investigate the ownership of any shares in or debentures of a company (whether or not it is a company to which this Division applies) and that it is unnecessary to appoint an inspector for the purpose, and the Minister has reasonable cause to believe that a person—

Power to require information as to persons interested in shares or debentures.
U.K. s. 173.

(a) is or has been interested in those shares or debentures ;
or

(b) is acting or has acted in relation to those shares or debentures as the solicitor or agent of some person interested therein,

the Minister may require that person to give him any information which the firstmentioned person has or can reasonably be expected to obtain as to the present and past interests in those shares or debentures and the names and addresses of the persons interested and of any persons who act or have acted on their behalf in relation to the shares or debentures.

(2) For the purposes of this section, a person shall be deemed to have an interest in a share or debenture if he has any right to acquire or dispose of the share or debenture or any interest therein or to vote in respect thereof, or if his consent is necessary for the exercise of any of the rights of other persons interested therein, or if other persons interested therein can be required or are accustomed to exercise their rights in accordance with his instructions.

(3) Any person who fails to give any information required of him under this section, or who in giving any such information makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence against this Act.

Penalty : Imprisonment for six months or five hundred pounds or both.

Power to
impose
restrictions on
shares or
debentures.
U.K. s. 174.

179. (1) Where in connection with an investigation under section 177 or section 178, it appears to the Minister that there is difficulty in finding out the relevant facts about any shares (whether issued or to be issued), and that the difficulty is due wholly or mainly to the unwillingness of the persons concerned or any of them to assist the investigation as required by this Act, the Minister may by order published in the *Government Gazette* direct that the shares are until further order subject to the following restrictions—

- (a) that any transfer of those shares, or in the case of unissued shares any transfer of the right to be issued therewith and any issue thereof, shall be void ;
- (b) that no voting rights shall be exercisable in respect of those shares ;
- (c) that no further shares shall be issued in right of those shares or in pursuance of any offer made to the holder thereof ; and
- (d) that except in a liquidation, no payment shall be made of any sums due from the company on those shares, whether in respect of capital or otherwise,

and those shares shall thereupon be subject to those restrictions until an order is made by the Minister or the Court directing that the shares have ceased to be subject thereto.

(2) Where the Minister makes an order directing that shares are subject to the restrictions referred to in subsection (1) of this section or, having made such an order in relation to any shares, refuses to make an order directing that the shares have ceased to be subject to those restrictions, any person aggrieved

thereby may apply to the Court, and the Court may, if it sees fit, direct that the shares have ceased to be subject to those restrictions.

(3) Any order of the Minister or of the Court directing that shares have ceased to be subject to the restrictions referred to in subsection (1) of this section which is expressed to be made with a view to permitting a transfer of those shares may continue the application of the restrictions referred to in paragraphs (c) and (d) of that subsection in relation to those shares, either in whole or in part, so far as those paragraphs relate to any right acquired or offer made before the transfer.

(4) Where any shares are for the time being subject to any restrictions referred to in subsection (1) of this section, any person who—

- (a) having knowledge that the shares are subject to any such restrictions, exercises or purports to exercise any right to dispose of those shares, or of any right to be issued with the shares ;
- (b) votes in respect of those shares, whether as holder or proxy, or appoints a proxy to vote in respect thereof ; or
- (c) being the holder of any of those shares, fails to notify the fact of their being subject to those restrictions to any person whom he does not know to be aware of that fact but does know to be entitled, apart from those restrictions, to vote in respect of those shares whether as holder or proxy,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for six months or five hundred pounds or both.

(5) Where shares in any company are issued in contravention of the restrictions imposed pursuant to sub-section (1) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(6) A prosecution shall not be instituted under this section except by or with the consent of the Minister.

(7) This section shall apply in relation to debentures as it applies in relation to shares.

180. Where—

- (a) under the law of another State or a Territory of the Commonwealth corresponding with this Division

an inspector has been appointed to investigate the affairs of a corporation ; and

- (b) the Governor of this State determines that, in connection with that investigation, it is expedient that an investigation be made in this State,

the Governor may by order published in the *Government Gazette* declare that the inspector so appointed shall have the same powers and duties in this State in relation to the investigation as if the corporation were a company to which this Division applies and the inspector had been appointed under section 173 and thereupon the inspector shall have those powers and duties.

PART VII.

ARRANGEMENTS AND RECONSTRUCTIONS.

181. (1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them or between the company and its members or any class of them, the Court may on the application in a summary way of the company or of any creditor or member of the company, or in the case of a company being wound up of the liquidator, order a meeting of the creditors or class of creditors or of the members of the company or class of members to be summoned in such manner as the Court directs.

Power to compromise with creditors and members.
U.K. s. 206.
N.S.W. s. 133.
Vic. s. 90.
Qsld. s. 161.
S.A. s. 171.
W.A. s. 158
Tas. s. 124

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors or members or class of members present and voting either in person or by proxy at the meeting agrees to any compromise or arrangement the compromise or arrangement shall, if approved by order of the Court, be binding on all the creditors or class of creditors or on the members or class of members (as the case may be) and also on the company or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) The Court may grant its approval to a compromise or arrangement subject to such alterations or conditions as it thinks just.

(4) An order under subsection (2) of this section shall have no effect until an office copy of the order is lodged with the Registrar, and upon being so lodged, the order shall take effect on and from the date of lodgment or such earlier date as the Court may determine and as may be specified in the order.

(5) Subject to subsection (6) of this section, a copy of every order made under subsection (2) of this section shall be annexed to every copy of the memorandum of the company issued after the order has been made, or, in the case of a company not having a memorandum, to every copy so issued of the instrument constituting or defining the constitution of the company.

(6) The Court may, by order, exempt a company from compliance with the requirements of subsection (5) of this section or determine the period during which the company shall so comply.

(7) Where any such compromise or arrangement (whether or not for the purposes of or in connection with a scheme for the reconstruction of any company or companies or the amalgamation of any two or more companies) has been proposed, the directors of the company shall—

- (a) if a meeting of the members of the company by resolution so directs, instruct such accountants or solicitors, or both, as are named in the resolution to report on the proposals and forward their report or reports to the directors as soon as may be ; and
- (b) make such report or reports available at the registered office of the company for inspection by the shareholders and creditors of the company at least seven days before the date of any meeting ordered by the Court to be summoned as provided in subsection (1) of this section.

(8) Every company which makes default in complying with subsection (5) or subsection (7) of this section and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

Power of Court to restrain proceedings.

(9) Where no order has been made or resolution passed for the winding up of a company and any such compromise or arrangement has been proposed between the company and its creditors or any class of such creditors, the Court may, in addition to any of its powers, on the application in a summary way of the company or of any member or creditor of the company, restrain further proceedings in any action or proceeding against the company except by leave of the Court and subject to such terms as the Court imposes.

Interpretation.

U.K. s. 206 (6).
N.S.W. s. 133 (5).
Vic. s. 89.
S.A. s. 171 (6).
W.A. s. 158 (6).
Tas. s. 123.

(10) In this section—

“arrangement” includes a re-organization of the share capital of a company by the consolidation of shares of different classes or by the division of shares into shares of different classes or by both these methods ;

“company” means any corporation or society liable to be wound up under this Act.

Information as to compromise with creditors and members.

U.K. s. 207.
Vic. s. 91.
Tas. s. 125.

182. (1) Where a meeting is summoned under section 181 there shall—

- (a) with every notice summoning the meeting which is sent to a creditor or member, be sent also a statement explaining the effect of the compromise or arrangement and in particular stating any material interests of the directors, whether as directors or as members or as creditors of the company or otherwise, and the effect thereon of the compromise or arrangement in so far as it is different from the effect on the like interests of other persons ; and

(b) in every notice summoning the meeting which is given by advertisement, be included either such a statement or a notification of the place at which and the manner in which creditors or members entitled to attend the meeting may obtain copies of such a statement.

(2) Where the compromise or arrangement affects the rights of debenture holders, the statement shall give the like explanation with respect to the trustees for the debenture holders as, under subsection (1) of this section, a statement is required to give with respect to the directors.

(3) Where a notice given by advertisement includes a notification that copies of such a statement can be obtained, every creditor or member entitled to attend the meeting shall on making application in the manner indicated by the notice be furnished by the company free of charge with a copy of the statement.

(4) Each director and each trustee for debenture holders shall give notice to the company of such matters relating to himself as may be necessary for the purposes of this section.

(5) Where default is made in complying with any requirement of this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Five hundred pounds.

(6) For the purposes of subsection (5) of this section the liquidator of the company and any trustee for debenture holders shall be deemed to be an officer of the company.

(7) Notwithstanding the provisions of subsection (5) of this section a person shall not be liable under that subsection if he shows that the default was due to the refusal of any other person, being a director or trustee for debenture holders, to supply the necessary particulars as to his interests.

183. (1) Where an application is made to the Court under this Part for the approval of a compromise or arrangement and it is shown to the Court that the compromise or arrangement has been proposed for the purposes of or in connection with a scheme for the reconstruction of any company or companies or the amalgamation of any two or more companies and that under the scheme the whole or any part of the undertaking or the property of any company concerned in the scheme (in this section referred to as the "transferor company") is to be transferred to another company (in this section referred to as the "transferee company"), the Court may either by the order approving the compromise or arrangement or by any subsequent order provide for all or any of the following matters :—

Provisions for facilitating reconstruction and amalgamation of companies.
U.K. s. 208.
N.S.W. s. 134.
Vic. s. 92.
Qsld. s. 162.
S.A. s. 172.
W.A. s. 159.
Tas. s. 128.

- (a) The transfer to the transferee company of the whole or any part of the undertaking and of the property or liabilities of the transferor company ;
- (b) The allotting or appropriation by the transferee company of any shares, debentures policies or other like interests in that company which under the compromise or arrangement are to be allotted or appropriated by that company to or for any person ;
- (c) The continuation by or against the transferee company of any legal proceedings pending by or against the transferor company ;
- (d) The dissolution, without winding up, of the transferor company ;
- (e) The provision to be made for any persons who, within such time and in such manner as the Court directs, dissent from the compromise or arrangement ;
- (f) Such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction or amalgamation shall be fully and effectively carried out.

(2) Where an order made under this section provides for the transfer of property or liabilities, then by virtue of the order that property shall be transferred to and vest in, and those liabilities shall be transferred to and become the liabilities of, the transferee company, free, in the case of any particular property if the order so directs, from any charge which is by virtue of the compromise or arrangement to cease to have effect.

(3) Where an order is made under this section every company in relation to which the order is made shall within seven days after the making of the order lodge—

- (a) an office copy of the order with the Registrar ; and
- (b) where the order relates to land under The Real Property Act, 1886-1936, as amended, an office copy of the order with the Registrar-General ; and
- (c) where the order relates to any other land, a memorial of the order with the Registrar-General of Deeds,

and every company which makes default in complying with this section and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

(4) No vesting order referred to in this section shall have any effect or operation in transferring or otherwise vesting land to which The Real Property Act, 1886-1936, as amended, applies

until an entry or a memorandum thereof is made in the Register Book kept under that Act and on the duplicate grant or certificate of title and duplicate instrument (if any).

(5) In this section—

“liabilities” includes duties :

“property” includes property rights and powers of every description.

(6) Notwithstanding the provisions of subsection (10) of section 181 “company” in this section does not include any company other than a company as defined in section 5.

184. (1) In this section and in the Tenth Schedule—

Take-over
offers.

“offeree corporation”, in relation to a take-over scheme or a take-over offer, means the corporation to shares in which the scheme or offer relates.

Tenth
Schedule.

“offeror corporation”, in relation to a take-over scheme or a take-over offer, means the corporation or proposed corporation by or on behalf of which any take-over offer under the scheme, or the take-over offer, is made or to be made.

“take-over offer” means an offer or proposed offer for the acquisition of shares under a take-over scheme.

“take-over scheme” means a scheme involving the making of offers for the acquisition by or on behalf of a corporation or on behalf of a proposed corporation—

(a) of all the shares in another corporation or of all the shares of a particular class in another corporation ; or

(b) of any shares in another corporation which (together with shares, if any, already held beneficially by the first-mentioned corporation or by any other corporation that is deemed by virtue of subsection (5) of section 6 to be related to that corporation) carry the right to exercise, or control the exercise of, not less than one-third of the voting power at any general meeting of the other corporation,

but does not include any scheme involving the making of an offer or offers for the acquisition for cash by or on behalf of a corporation or on behalf of a proposed corporation of all the shares in another corporation the beneficial interests in which are held by the directors of that other corporation.

- (2) A take-over offer shall not be made unless—
- (a) the offeror corporation has, not earlier than twenty-eight days, and not later than fourteen days, before the offer is made, given or caused to be given to the offeree corporation notice in writing of the take-over scheme containing particulars of the terms of the take-over offers to be made under the scheme, together with a statement that complies with the requirements set out in Part B of the Tenth Schedule ; and
 - (b) the offer complies with the requirements set out in Part A of that Schedule and there is attached to the offer—
 - (i) a copy of the statement given or caused to be given by the offeror corporation to the offeree corporation in pursuance of paragraph (a) of this subsection ; and
 - (ii) if the offeree corporation gives or causes to be given to the offeror corporation a statement in pursuance of paragraph (a) of subsection (3) of this section or in pursuance of any corresponding enactment of another State or Territory of the Commonwealth—a copy of that statement.
- (3) Where an offeree corporation receives a notice and statement given in pursuance of subsection (2) of this section or in pursuance of any corresponding enactment of another State or Territory of the Commonwealth, the offeree corporation shall either—
- (a) give or cause to be given to the offeror corporation, within fourteen days after the receipt of the notice and statement, a statement in writing that complies with the requirements set out in Part C of the Tenth Schedule ; or
 - (b) give or cause to be given to each holder of shares in the offeree corporation to which the take-over scheme relates, within fourteen days after take-over offers are first made to shareholders under the take-over scheme, such a statement in writing.
- (4) A statement given or caused to be given by an offeree corporation in pursuance of subsection (3) of this section may contain such information in addition to that required by Part C of the Tenth Schedule as the directors of the offeree corporation think fit.

(5) Where take-over offers are made under a take-over scheme, the offeror corporation shall forthwith give notice in writing to the offeree corporation that offers have been made under the scheme and of the date of the offers.

(6) Where a take-over offer is made in contravention of this section or an offeror corporation fails to comply with subsection (5) of this section, the offeror corporation, and every officer of the corporation who is in default, shall be guilty of an offence against this Act, and where an offeree corporation fails to comply with subsection (3) of this section, the offeree corporation and every officer of that corporation who is in default, shall be guilty of an offence against this Act.

Penalty : Imprisonment for three months or five hundred pounds.

(7) The provisions of sections 46 and 47 shall apply to and in relation to a statement given by an offeror corporation to an offeree corporation in pursuance of paragraph (a) of subsection (2) of this section, and to any copy of such a statement, as if—

- (a) each reference in those sections to a prospectus were a reference to such a statement or a copy of such a statement ;
- (b) the reference in subsection (1) of section 46 to persons who subscribe for or purchase any shares or debentures were a reference to a person who accepts a take-over offer ; and
- (c) each reference in those sections to the allotment or sale of shares or debentures were a reference to the acceptance of a take-over offer.

(8) Regulations may be made varying the requirements set out in any part of the Tenth Schedule, either by omitting or altering any such requirement or by adding additional requirements and any reference in this section to the requirements of a part of the Tenth Schedule shall be read as a reference to those requirements as so varied from time to time.

(9) Regulations may be made making provision for and in relation to the granting of exemptions from all or any of the provisions of this section or the requirements set out in the Tenth Schedule.

(10) Regulations may be made requiring the lodging with the Registrar or a Stock Exchange, or both, of—

- (a) copies of any notice or statement given in pursuance of this section ; or
- (b) notice in the prescribed form and containing such particulars as are prescribed of the giving of such a notice or statement.

PART VII.

Power to acquire shares of shareholders dissenting from scheme or contract approved by majority.

U.K. s. 209.
N.S.W. s. 135.
Vic. s. 93.
Qld. s. 163.
S.A. s. 173.
W.A. s. 160.
Tas. s. 127.

185. (1) Where a scheme or contract involving the transfer of shares or any class of shares in a company (in this section referred to as the “transferor company”) to another company or corporation (in this section referred to as the “transferee company”) has within four months after the making of the offer in that behalf by the transferee company been approved, as to the shares or as to each class of shares whose transfer is involved, by the holders of not less than nine-tenths in nominal value of those shares or of the shares of that class (other than shares already held at the date of the offer by, or by a nominee for, the transferee company or its subsidiary), the transferee company may at any time within two months after the offer has been so approved give notice in the prescribed manner to any dissenting shareholder that it desires to acquire his shares and when such a notice is given the transferee company shall, unless on an application made by the dissenting shareholder within one month from the date on which the notice was given or within seven days of a statement being supplied to a dissenting shareholder pursuant to subsection (3) of this section (whichever is the later) the Court thinks fit to order otherwise, be entitled and bound to acquire those shares on the terms which, under the scheme or contract the shares of the approving shareholders are to be transferred to the transferee company.

(2) Notwithstanding anything in subsection (1) of this section, where shares in the transferor company of the same class or classes as the shares whose transfer is involved are already held as aforesaid to a nominal value greater than one-tenth of the aggregate of their nominal value and that of the shares (other than those already held as aforesaid) whose transfer is involved the provisions of subsection (1) of this section shall not apply unless—

- (a) the transferee company offers the same terms to all holders of the shares (other than those already held as aforesaid) whose transfer is involved or, where those shares include shares of different classes, of each class of them ; and
- (b) the holders who approve the scheme or contract, besides holding not less than nine-tenths in nominal value of the shares (other than those already held as aforesaid) whose transfer is involved, are not less than three-fourths in number of the holders of those shares.

(3) Where a transferee company has given notice to any dissenting shareholder that it desires to acquire his shares the dissenting shareholder shall be entitled to require the company by a demand in writing served on that company within one month from the date on which the notice was given to be

supplied with a statement in writing of the names and addresses of all other dissenting shareholders as shown in the register of members and the transferee company shall be neither entitled nor bound to acquire the shares of the dissenting shareholders until fourteen days after the posting of the statement of such names and addresses to the dissenting shareholder.

(4) Where in pursuance of any such scheme or contract shares in a company are transferred to another company or its nominee and those shares together with any other shares in the first-mentioned company held by, or by a nominee for, the transferee company or its subsidiary at the date of the transfer comprise or include nine-tenths in nominal value of the shares in the first-mentioned company or of any class of those shares, then—

- (a) the transferee company shall within one month from the date of the transfer (unless on a previous transfer in pursuance of the scheme or contract it has already complied with this requirement) give notice of that fact in the prescribed form and manner to the holders of the remaining shares or of the remaining shares of that class who have not assented to the scheme or contract ; and
- (b) any such holder may within three months from the giving of the notice to him require the transferee company to acquire the shares in question,

and where a shareholder gives notice under paragraph (b) of this subsection with respect to any shares, the transferee company shall be entitled and bound to acquire those shares on the terms on which under the scheme or contract the shares of the approving shareholders were transferred to it, or on such other terms as are agreed or as the Court on the application of either the transferee company or the shareholder thinks fit to order.

(5) Where a notice has been given by the transferee company under subsection (1) of this section and the Court has not, on an application made by the dissenting shareholder, ordered to the contrary, the transferee company shall, after the expiration of one month after the date on which the notice has been given or, if an application to the Court by the dissenting shareholder is then pending, after that application has been disposed of, transmit a copy of the notice to the transferor company together with an instrument of transfer executed, on behalf of the shareholder by any person appointed by the transferee company, and on its own behalf by the transferee company, and pay, allot or transfer to the transferor company the amount or other consideration representing the price payable by the transferee

company for the shares which by virtue of this section that company is entitled to acquire, and the transferor company shall thereupon register the transferee company as the holder of those shares.

(6) Any sums received by the transferor company under this section shall be paid into a separate bank account, and any such sums and any other consideration so received shall be held by that company in trust for the several persons entitled to the shares in respect of which they were respectively received.

(7) Where any consideration other than cash is held in trust by a company for any person under the provisions of this section it may, after the expiration of two years and shall before the expiration of ten years from the date on which such consideration was allotted or transferred to it, transfer such consideration to the Treasurer of the State.

(8) The Treasurer shall sell or dispose of any consideration so received in such manner as he thinks fit and shall deal with the the proceeds of such sale or disposal as if it were moneys paid to him pursuant to the provisions of the Unclaimed Moneys Act, 1891-1935.

(9) In this section "dissenting shareholder" includes a shareholder who has not assented to the scheme or contract and any shareholder who has failed or refused to transfer his shares to the transferee company in accordance with the scheme or contract.

(10) In relation to an offer made by the transferee company to shareholders of the transferor company before the commencement of this Act, this section shall have effect as if—

- (a) the words "the shares of that class (other than shares already held at the date of the offer by, or by a nominee for, the transferee company or its subsidiary)" in subsection (1) of this section were omitted and the words "the shares affected" were inserted in lieu thereof;
- (b) subsections (2) and (4) of this section were omitted; and
- (c) the words "together with an instrument of transfer executed, on behalf of the shareholder by any person appointed by the transferee company, and on its own behalf by the transferee company" in subsection (5) of this section were omitted.

186. (1) Any member of a company who complains that the affairs of the company are being conducted in a manner oppressive to one or more of the members (including himself)

may, or, following on a report by an inspector under this Act, the Minister may, apply to the Court for an order under this section.

(2) If the Court is of opinion that the company's affairs are being so conducted the Court may, with a view to bringing to an end the matters complained of—

(a) except where paragraph (b) of this subsection applies—
make an order that the company be wound up ; or

(b) where the Court is of opinion that to wind up the company would unfairly prejudice the member or the members referred to in subsection (1) of this section, but otherwise the facts would justify the making of a winding up order on the grounds that it is just and equitable that the company be wound up or that, for any other reason it is just and equitable to make an order (other than a winding up order) under this section—make such order as it thinks fit whether for regulating the conduct of the company's affairs in future or for the purchase of the shares of any members by other members or by the company and, in the case of a purchase by the company, for the reduction accordingly of the company's capital, or otherwise.

(3) Where an order that the company be wound up is made pursuant to paragraph (a) of subsection (2) of this section the provisions of this Act relating to winding up of a company shall, with such adaptations as are necessary, apply as if the order had been made upon a petition duly presented to the Court by the company.

(4) Where an order under this section makes any alteration in or addition to any company's memorandum or articles, then, notwithstanding any thing in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power, without the leave of the Court, to make any further alteration in or addition to the memorandum or articles inconsistent with the provisions of the order ; but subject to the foregoing provisions of this subsection the alterations or additions made by the order shall be of the same effect as if duly made by resolution of the company.

(5) An office copy of any order made under this section shall be lodged by the applicant with the Registrar within fourteen days after the making of the order.

(6) If default is made in complying with subsection (5) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

PART VIII.

PART VIII.

RECEIVERS AND MANAGERS.

Disqualifica-
tion for
appointment
as receiver.

U.K. ss.
366, 367,
N.S.W.
s. 385.
Vic. s. 81.
Qsld. s. 302.
S.A. s. 311.
W.A. s. 362.
Tas. s. 149.

187. (1) The following shall not be qualified to be appointed and shall not act as receiver of the property of a company :—

- (a) A corporation ;
- (b) An undischarged bankrupt ;
- (c) A mortgagee of any property of the company, an auditor of the company or an officer of the company or of any corporation which is a mortgagee of the property of the company ;
- (d) Any person who is not a registered liquidator.

(2) Nothing in paragraph (a) or (d) of subsection (1) of this section shall apply to any corporation authorized by any Act to act as receiver of the property of a company.

(3) Nothing in this section shall disqualify a person from acting as receiver of the property of a company if acting under an appointment made before the commencement of this Act.

Liability of
receiver.

U.K. s. 369.
N.S.W. s. 337.
Vic. s. 82.
S.A. s. 311.
W.A. s. 362.
Tas. s. 150.

188. (1) Any receiver or other authorized person entering into possession of any assets of a company for the purpose of enforcing any charge shall, notwithstanding any agreement to the contrary, but without prejudice to his rights against the company or any other person, be liable for debts incurred by him in the course of the receivership or possession for services rendered, goods purchased or property hired, leased, used or occupied.

(2) Subsection (1) of this section shall not be so construed as to constitute the person entitled to the charge a mortgagee in possession.

Application
for directions.

(3) A receiver or manager of the property of a company appointed under the powers contained in any instrument may apply to the Court for directions in relation to any matter arising in connection with the performance of his functions.

Power of
Court to fix
remuneration
of receivers or
managers.

U.K. s. 371.
N.S.W. s. 338.
Vic. s. 83.
Qsld. s. 304.
S.A. s. 312.
W.A. s. 363.
Tas. s. 151.

189. (1) The Court may, on application by the liquidator or the official manager of a company, by order fix the amount to be paid by way of remuneration to any person who, under the powers contained in any instrument, has been appointed as receiver or manager of the property of the company.

(2) The power of the Court shall—

- (a) where no previous order has been made with respect thereto, extend to fixing the remuneration for any period before the making of the order or the application therefor ;
- (b) be exercisable notwithstanding that the receiver or manager has died or ceased to act before the making of the order or the application therefor ; and
- (c) where the receiver or manager has been paid or has retained for his remuneration, for any period before the making of the order, any amount in excess of that fixed for that period, extend to requiring him or his personal representatives to account for the excess or such part thereof as may be specified in the order.

(3) The power conferred by paragraph (c) of subsection (2) of this section shall not be exercised as respects any period before the making of the application for the order unless in the opinion of the Court there are special circumstances making it proper for the power to be so exercised.

(4) The Court may from time to time, on an application made either by the liquidator or the official manager or by the receiver or manager, vary or amend an order made under this section.

190. Where an application is made to the Court to appoint a receiver on behalf of the debenture holders or other creditors of a company which is being wound up by the Court the liquidator may be so appointed.

Appointment of liquidator as receiver.
U.K. s. 368.
N.S.W. s. 336.
Vic. s. 84.
Qsld. s. 302 (4).
Tas. s. 152.

191. (1) If any person obtains an order for the appointment of a receiver or manager of the property of a company or of the property within the State of any other corporation, or appoints such a receiver or manager under any powers contained in any instrument, he shall within seven days after he has obtained the order or made the appointment lodge notice in the prescribed form of the fact with the Registrar.

Notification of appointment of receiver.
U.K. s. 102.
N.S.W. s. 191.
Vic. s. 79.
Qsld. s. 90.
S.A. s. 107.
Tas. s. 78.

(2) Where any person appointed receiver or manager of the property of a company or other corporation under the powers contained in any instrument ceases to act as such he shall within seven days thereafter lodge with the Registrar notice in the prescribed form to that effect.

(3) Every person who makes default in complying with the requirements of this section shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

PART VIII.

Statement
that receiver
appointed.

U.K. s. 370.
N.S.W. s. 337.
Vic. s. 85.
Qld. s. 303.
Tas. s. 153.

192. (1) Where a receiver or manager of the property of a corporation has been appointed, every invoice, order for goods or business letter issued by or on behalf of the corporation or the receiver or manager or the liquidator of the corporation, being a document on or in which the name of the corporation appears, shall contain a statement immediately following the name of the corporation that a receiver or manager has been appointed.

(2) If default is made in complying with this section the corporation and every officer and every liquidator of the corporation and every receiver or manager who knowingly and wilfully authorizes or permits the default shall be guilty of an offence against this Act.

Provisions as
to information
where receiver
or manager
appointed—
U.K. s. 372.

193. (1) Where a receiver or manager of the property of a company (in this section and in section 194 called “the receiver”), is appointed—

- (a) the receiver shall forthwith send notice to the company of his appointment ;
- (b) there shall, within fourteen days after receipt of the notice, or such longer period as may be allowed by the Court or by the receiver, be made out and submitted to the receiver in accordance with section 194 a statement in the prescribed form as to the affairs of the company ; and
- (c) the receiver shall within one month after receipt of the statement—
 - (i) lodge with the Registrar, a certified copy of the statement and a copy of any comments he sees fit to make thereon ;
 - (ii) send to the company a copy of any such comments as aforesaid, or if he does not see fit to make any comment, a notice to that effect ; and
 - (iii) where the receiver is appointed by or on behalf of the holders of debentures of the company, send to the trustees (if any) for those holders, a copy of the statement and his comments thereon.

(2) Subsection (1) of this section shall not apply in relation to the appointment of a receiver or manager to act with an existing receiver or manager or in place of a receiver or manager dying or ceasing to act, except that, where that subsection applies to a receiver or manager who dies or ceases to act before that subsection has been fully complied with, the references in para-

graphs (b) and (c) thereof to the receiver shall (subject to subsection (3) of this section) include references to his successor and to any continuing receiver or manager.

(3) Where the company is being wound up this section and section 194 shall apply notwithstanding that the receiver or manager and the liquidator are the same person, but with any necessary modifications arising from that fact.

(4) If any person makes default in complying with any of the requirements of this section, he shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

194. (1) The statement as to the affairs of a company required by section 193 to be submitted to the receiver shall show as at the date of the receiver's appointment the particulars of the company's assets, debts and liabilities, the names and addresses of its creditors, the securities held by them respectively, the dates when the securities were respectively given and such further or other information as may be prescribed.

Special provisions as to statement submitted to receiver.

U.K. s. 373.

(2) The statement shall be submitted by, and be verified by statutory declaration in the prescribed form made by, one or more of the persons who were at the date of the receiver's appointment the directors of the company and by the person who was at that date the secretary of the company, or by such of the persons hereafter in this subsection mentioned as the receiver may require to submit and verify the statement, that is to say—

- (a) persons who are or have been officers of the company ;
- (b) persons who have taken part in the formation of the company at any time within one year before the date of the receiver's appointment ;
- (c) persons who are in the employment of the company, or have been in the employment of the company within that year, and are in the opinion of the receiver capable of giving the information required ;
- (d) persons who are or have been within that year officers of or in the employment of a corporation which is, or within that year was, an officer of the company to which the statement relates.

(3) Any person making the statement and statutory declaration shall be allowed and shall be paid by the receiver (or his successor) out of his receipts, such costs and expenses incurred in and about the preparation and making of the statement and statutory declaration as the receiver (or his successor), may consider reasonable, subject to an appeal to the Court.

(4) If any person makes default in complying with the requirements of this section, he shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(5) References in this section to the receiver's successor shall include a continuing receiver or manager.

195. (1) Every receiver or manager of the property of a company or of the property within the State of any other corporation shall—

(a) within one month after the expiration of the period of six months from the date of his appointment and of every subsequent period of six months and within one month after he ceases to act as receiver or manager, lodge with the Registrar a detailed account in the prescribed form showing—

- (i) his receipts and his payments during each period of six months, or, where he ceases to act as receiver or manager, during the period from the end of the period to which the last preceding account related or from the date of his appointment, as the case may be, up to the date of his so ceasing ;
- (ii) the aggregate amount of those receipts and payments during all preceding periods since his appointment ; and
- (iii) where he has been appointed pursuant to the powers contained in any instrument, the amount owing under that instrument at the time of his appointment, in the case of the first account, and the amount owing under the instrument at the expiration of every six months after his appointment and, where he has ceased to act as receiver or manager, the amount so owing at the date of his so ceasing, and his estimate of the total value of all assets of the company or other corporation which are subject to that instrument ; and

(b) before lodging such account, verify by statutory declaration in the prescribed form all accounts and statements referred to therein.

(2) The Registrar may of his own motion or on the application of the company or other corporation or a creditor cause the accounts to be audited by a registered company auditor appointed by the Registrar and for the purpose of the audit the

Lodging of accounts of receivers and managers.

U.K. s. 374.
N.S.W. s. 339.
Vic. s. 86.
Qsld. s. 305.
S.A. s. 313.
W.A. s. 364.
Tas. s. 154.

receiver or manager shall furnish the auditor with such vouchers and information as he requires and the auditor may at any time require the production of and inspect any books of account kept by the receiver or manager or any document or other records relating thereto.

(3) Where the Registrar causes the accounts to be audited upon the request of the company or other corporation or a creditor he may require the applicant to give security for the payment of the cost of the audit.

(4) Every receiver or manager who makes default in complying with the provisions of this section shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

196. (1) Where a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge or possession is taken by or on behalf of debenture holders of any property comprised in or subject to a floating charge, then if the company is not at the time in the course of being wound up, debts which in every winding up are preferential debts and are due by way of wages, salary, annual leave or long service leave and any amount which in a winding up is payable in pursuance of subsection (3) or subsection (5) of section 292 shall be paid out of any assets coming to the hands of the receiver or other person taking possession in priority to any claim for principal or interest in respect of the debentures and shall be paid in the same order of priority as is prescribed by that section in respect of those debts and amounts.

Payments of certain debts out of assets subject to floating charge in priority to claims under charge.

U.K. s. 94.
N.S.W. s. 173.
Vic. s. 87.
Qsld. ss. 101, 101A.
S.A. s. 98.
W.A. s. 94.
Tas. s. 155.

(2) For the purposes of subsection (1) of this section the references in paragraphs (b) and (d) of subsection (1) of section 292 to the commencement of the winding up shall be read as a reference to the date of the appointment of the receiver or of possession being taken as aforesaid (as the case requires).

(3) Any payment made under this section shall be recouped as far as may be out of the assets of the company available for payment of general creditors.

197. (1) If any receiver or manager of the property of a company—

- (a) who has made default in making or lodging any return, account or other document or in giving any notice required by law fails to make good the default within fourteen days after the service on him by any member or creditor of the company or trustee for debenture holders of a notice requiring him so to do ;
or

Enforcement of duty of receiver, etc., to make returns.

U.K. s. 375.
N.S.W. s. 340.
Vic. s. 88.
Qsld. s. 306.
S.A. s. 314.
W.A. s. 305.
Tas. s. 156.

(b) who has been appointed under the powers contained in any instrument has, after being required at any time by the liquidator of the company so to do failed to render proper accounts of his receipts and payments and to vouch the same and to pay over to the liquidator the amount properly payable to him,

the Court may, on an application made for the purpose, make an order directing him to make good the default within such time as is specified in the order.

(2) In the case of any such default as is mentioned in paragraph (a) of subsection (1) of this section, an application for the purposes of this section may be made by any member or creditor of the company or trustee for debenture holders, and in the case of any such default as is mentioned in paragraph (b) of that subsection the application shall be made by the liquidator.

PART IX.

PART IX.

OFFICIAL MANAGEMENT.

198. (1) Where a company is unable to pay its debts as and when they become due and payable, in lieu of proceedings being taken in respect of the company under Part X, the company may, and shall if so requested in writing by any creditor of the company who has an unsatisfied judgment against the company for a debt of not less than two hundred and fifty pounds, cause a meeting of its creditors to be summoned for the purpose of placing the company under official management and appointing an official manager of the company as provided in this Part.

Power of company to call meeting of creditors to appoint official manager.

(2) The meeting shall be held at a time and place convenient to the majority in value of the creditors and shall be summoned by notices in the prescribed form served personally or by post on each of the creditors not less than seven days nor more than fourteen days before the date of meeting and by advertisement of the notice published once during that period in a daily newspaper circulating generally throughout the State.

Procedure for calling meeting of creditors.

(3) The chairman shall at the meeting determine whether the meeting has been held at a time and place convenient to the majority in value of the creditors and his decision shall be final, unless shown not to be *bona fide*.

(4) If the chairman decides that the meeting has not been held at a time and place convenient to that majority the meeting shall lapse.

199. Except by leave of the Court and subject to such terms as the Court imposes, after the service of the notices calling the meeting referred to in section 198 no action or proceeding in any court shall be proceeded with or commenced against the company until after the meeting or any adjournment thereof or where it is resolved at the meeting that the company be placed under official management until it ceases to be under official management.

Stay of proceedings.

200. The following provisions apply with respect to any meeting of creditors held under section 198—

Provisions as to meeting of creditors.

(a) the company shall submit to the meeting a statement of affairs of the company in writing in the prescribed form signed by the directors and auditors thereof, which statement shall be made up to date not earlier than thirty days before the date of the meeting ;

(b) the meeting may by resolution be adjourned from time to time except that a meeting may not be adjourned

to a date later than thirty days after the date of the service of the notices calling the meeting ;

- (c) subject to the provisions of this Part, the creditors present in person or by proxy shall conduct the proceedings of the meeting as they may determine.

Power of
creditors to
appoint official
manager.

201. (1) The creditors of the company may, by special resolution at the meeting or any adjournment thereof—

- (a) determine that the company shall for such period (being a period commencing not earlier than fourteen days after the passing of the resolution) and subject to such conditions as are mentioned in the resolution be under the sole management of a person named in the resolution (in this Part called the “official manager”) being a person who has consented in writing to act as the official manager ;

- (b) determine the amount of the salary or remuneration of the official manager or delegate the fixing of the amount to a committee of management ; and

- (c) if the creditors think it desirable so to do, determine that a committee of management be appointed, being a committee comprising—

- (i) three persons who are, and are to be appointed by, creditors of the company by special resolution ; and

- (ii) two persons who are, and are to be appointed by, members of the company at a general meeting of the company.

(2) Within seven days after the passing of the resolution the company shall—

- (a) cause a true copy of the resolution, together with notice thereof in the prescribed form and a certified copy of the statement of affairs submitted by the company to the meeting or adjournment thereof at which the resolution was passed, to be lodged with the Registrar and notice of the resolution to be published in a daily newspaper circulating generally throughout the State ; and

- (b) give written notice to creditors and members of—

- (i) the resolution ; and

- (ii) the right of appeal conferred by section 210.

Effect of
resolution.

202. (1) During the period mentioned in a resolution passed in pursuance of section 201—

- (a) the official manager named therein may perform any of the functions and exercise any of the powers of the directors ;
- (b) the costs of the official management shall be paid in preference to all other liabilities of the company ; and
- (c) subject to paragraph (b) of this subsection all liabilities incurred or to be incurred by the official manager shall be payable in the order in which they are incurred and in preference to unsecured debts of the company as at the date of his appointment.

(2) Upon the commencement of the period mentioned in the resolution the directors of the company shall cease to hold office and the official manager shall assume the management of the company and shall, within two months after the expiration of six months after the date of the assumption of his management and of every subsequent period of six months or, if the Registrar so requires, at any time before the expiry of any such period of six months, submit to a meeting of the company and to a meeting of the creditors and lodge with the Registrar, a statement signed by the auditors of the company showing the assets and liabilities of the company, its debts and obligations together with a report on all such matters and all such other information as may be necessary to enable an assessment of the position of the company to be made.

(3) Nothing in this part shall prejudice or otherwise affect the rights of any secured creditor of the company.

203. Subject to the provisions of section 211 the appointment of a person as official manager may be determined—

Termination of appointment of official manager.

- (a) by his resignation in writing signed by him and tendered to—
 - (i) the committee of management ; or
 - (ii) a meeting of creditors ;
- (b) by special resolution of the creditors passed at a meeting of which special notice has been given ; or
- (c) by an order of the Court.

204. Notwithstanding the appointment of an official manager of a company and for so long as the company is under official management, the provisions of this Act relating to the appointment and reappointment of auditors and the rights and duties of auditors continue to apply, and in that application any reference in those provisions to the directors of the company shall be read as a reference to the official manager.

Appointment of official manager not to affect appointment and duties of auditors.

205. (1) Subject to the provisions of this Act and to such provisions of the memorandum and articles of the company as are not inconsistent with the provisions of this Part, an official manager—

- (a) shall as soon after his appointment as may be, proceed to recover and enter into possession of all the assets of the company movable and immovable and shall undertake the management of the company ;
- (b) shall conduct the management in such manner as he may deem most economical and most beneficial to the interest of the members and the creditors ;
- (c) shall comply with any directions of the creditors which are agreed to by special resolution at any meeting of creditors of which all creditors have been given special notice ;
- (d) shall, if he ceases for any reason to be official manager, within seven days after his resignation or the receipt by him of written notice of his removal from office, give to the Registrar written notice in the prescribed form of such resignation or removal ;
- (e) shall comply with all requirements of this Act relating to the keeping of accounts and the lodging of annual returns and perform all other duties imposed on the company and the directors by this Act ;
- (f) shall convene during the period the company is under his management the annual general meeting and shall furnish to the persons entitled thereto a report containing such information as is required by this Act in the report of directors together with all duly audited accounts of the company at such times and in such form and manner as would have been required from the directors if the company had not been placed under official management ; and
- (g) shall, if at any time he is of opinion that the continuance of official management will not enable the company to meet its obligations, give notice forthwith by post to all the members and creditors of the company of that opinion.

(2) An official manager who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

206. (1) Every disposition of its property which if made by an individual would in the event of his bankruptcy be void or voidable shall, if made by a company placed under official management and unable to pay all its debts, be void or voidable in like manner and the provisions of the law relating to the estates of bankrupt persons shall with such adaptations as are necessary apply to such a disposition.

Undue preferences in case of official management.

(2) For the purposes of this section the date of the passing of the resolution by the creditors appointing the official manager shall be deemed to be the date which corresponds with the date of the presentation of the bankruptcy petition in the case of an individual.

207. (1) An official manager shall not without the leave of the Court or the committee of management or the company granted in general meeting sell, or otherwise dispose of, any of the company's assets, save in the ordinary course of the company's business.

Application of assets during official management and disposal thereof.

(2) Any moneys of the company becoming available to the official manager shall be applied by him in paying the costs of the official management and in the payment of debts incurred in the conduct by him of the company's business and so far as the circumstances permit in the payment of the debts of the company which were incurred before the date of the resolution appointing an official manager.

(3) Subject to the provisions of section 202 the costs of the official management and the claims of the creditors of the company shall be paid in accordance with Subdivision (2) of Division IV of Part X, as if those costs were costs of the winding up of a company and those claims were claims against a company being wound up and the provisions of that subdivision with the necessary adaptations apply to and in relation to those costs and claims accordingly.

208. (1) In every case in which a company is placed under official management, the provisions of paragraph (g) of subsection (1) of section 218 and of sections 248, 304, 305 and 306 apply as if the company under official management were a company being wound up and the official manager were the liquidator and any reference in those sections to contributories shall be taken as a reference to members.

Application of certain provisions in winding up to official management.

(2) The provisions of sections 249 and 250 and when the Court so orders any other section shall apply in an official management as they apply in a winding up by the Court or any winding up of a company which is unable to pay its debts, any reference to the

liquidator being taken to be a reference to the official manager and any reference to a contributory a reference to a member of the company.

Cancellation by Court of official management and power of Court to give directions.

209. (1) If at any time, on the application of the official manager or of any creditor of the company or member, it appears to the Court that the purpose for which the official manager was appointed has been fulfilled, or for any reason it is undesirable that the company should remain under official management, the Court may cancel the appointment and thereupon the official manager shall be subject to the provisions of section 211 cease to be the official manager of the company.

(2) In cancelling the appointment the Court shall give such directions as may be necessary for the resumption of the management and control of the company by the officers thereof and such directions may include directions for the calling of a general meeting of members for the election of directors.

Subject to appeal, resolution to appoint official manager binding.

210. (1) Where a resolution has been passed in pursuance of subsection (1) of section 201 the resolution shall, subject to the right of appeal conferred by this section, be binding on the company and the members and creditors of the company.

(2) A creditor or group of creditors to whom the company owes more than ten per centum of the total liabilities of the company to its creditors, or any member or group of members holding not less than ten per centum of the paid up capital of the company, may appeal to the Court against the resolution (in so far as it was passed by virtue of paragraph (a) of subsection (1) of section 201) at any time within a period of fourteen days after the passing thereof and the Court may, having regard to whether or not the resolution is reasonable and, in particular, to its effect upon the interests of the creditors and the members of the company, amend, vary or cancel the resolution.

(3) Subject to this Part, pending the determination of an appeal under the provisions of this section, the acts of an official manager shall be valid and binding on the company and the members and creditors thereof, notwithstanding that the resolution may be amended, varied or cancelled by the Court to which the appeal is made.

Release of official manager.

211. (1) Where the appointment of an official manager has been determined, the adoption by a meeting of the creditors of the reports and accounts of the official manager shall discharge him from all liability in respect of any act done or default made by him in the management of the company or otherwise in relation to his conduct as official manager.

(2) The adoption of the report and accounts shall not release or discharge the official manager if it was obtained by fraud or by suppression or concealment of any material fact nor discharge him from any liability which by virtue of any enactment or rule of law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company.

(3) If the reports and accounts in respect of the company of the official manager are not, within two months of his making of the reports and accounts, adopted by a meeting of creditors, the official manager may apply to the Court for an order of release.

(4) The Court may grant or withhold the release and a release by the Court shall have the same effect as if the reports and accounts had been adopted by a meeting of creditors.

212. (1) Where an official manager of a company has been appointed, every invoice, order for goods or business letter issued by or on behalf of the company or the manager, being a document on or in which the name of the company appears, shall contain a statement immediately following the name of the company that an official manager has been appointed.

Documents of company under official management to state that fact.

(2) If default is made in complying with this section the company and every officer and official manager who knowingly and wilfully authorizes or permits the default shall be guilty of an offence against this Act.

213. (1) A committee of management—

Functions of committee of management.

(a) shall assist and advise the official manager on any matters relating to the management of the company on which he requires their advice and assistance; and

(b) may appoint a deputy official manager, who, while so acting, shall have the powers, duties and functions of an official manager, in the absence of the official manager.

(2) A committee may at any time and from time to time direct the official manager to call a meeting of creditors of the company or of members thereof or of both and the official manager shall give effect to the direction.

(3) Subject to this section and the regulations, the provisions of subsections (2) to (9) both inclusive of section 242 shall apply with respect to committees of management and with respect to the proceedings of and vacancies in committees of management and to the removal of members thereof, any reference to the committee of inspection being taken to be a reference to the

PART IX.

committee of management, any reference to the liquidator being taken to be a reference to the official manager and any reference to a contributory being taken to be a reference to a member of the company.

Accidental omission to give notice.

214. The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any person shall not invalidate proceedings at a meeting held for the purposes of this Part.

Interpretation.

215. For the purposes of this Part—

“special resolution” means a resolution passed by a majority in number representing at least three-fourths in value and one half in number of the creditors present and voting either in person or by proxy at the meeting, every creditor for under Ten pounds being reckoned in value only.

“special notice”, with respect to a meeting of creditors, means notice of the meeting given by means of a notice sent to each of the creditors not less than fourteen days or more than twenty-one days before the date of the meeting.

PART X.

PART X.

WINDING UP.

DIVISION I.

DIVISION I.—PRELIMINARY.

Modes of winding up.

N.S.W. s. 199.
Qsld. s. 164.
S.A. s. 186.
W.A. s. 178.

216. (1) The winding up of a company may be either—

(a) by the Court ; or

(b) voluntary.

(2) Except where the contrary intention appears, the provisions of this Act with respect to winding up apply to the winding up of a company in either of those modes.

Crown bound by certain provisions.
N.S.W. s. 199
(3).

217. The provisions of this Part relating to the remedies against the property of a company, the priorities of debts and the effect of an arrangement with creditors shall bind the Crown.

218. (1) On a company being wound up, every present and past member shall be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges and expenses of the winding up and for the adjustment of the rights of the contributories among themselves, subject to the provisions of subsection (2) of this section and the following qualifications :—

Liability as contributories of present and past members.
U.K. s. 212.
N.S.W. s. 200.
Vic. s. 156.
Qld. s. 165.
S.A. s. 137.
W.A. s. 179.
Tas. s. 150.

- (a) A past member shall not be liable to contribute if he has ceased to be a member for one year or more before the commencement of the winding up ;
- (b) A past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member ;
- (c) A past member shall not be liable to contribute unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act ;
- (d) In the case of a company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member ;
- (e) In the case of a company limited by guarantee, no contribution shall, subject to subsection (4) of this section, be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up ;
- (f) Nothing in this Act shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted or whereby the funds of the company are alone made liable in respect of the policy or contract ;

s. 218. In *re* THE KARKARILLA MINING COMPANY, LIMITED; MOYLE'S CASE (1867) 1 S.A.L.R. 43; 3 Austr. Digest 986. Where a company incurred debts at a time when it was unregistered and unlimited, but subsequently became registered as a limited company under the Companies Act, 1864, held that the members of the company were not liable for the debts incurred before registration.

GREAT AMALGAMATED GOLD REEFING COMPANY LIMITED v. CARSTAIRS (1877) 11 S.A.L.R. 50; 3 Austr. Digest 760. Where a shareholder lodged a transfer of his shares with the company and paid the transfer fee, but no scrip in favour of the transferee was signed, and the transferor's name was not removed from the register, held that the transferor was liable for calls made by the liquidator.

GREAT AMALGAMATED GOLD MINING COMPANY LIMITED v. MORRIS (1877) 11 S.A.L.R. 9; 3 Austr. Digest 658. A person whose name is on the share register without his consent or authority is not bound to take steps to remove his name from the register; nor is he liable as a contributory.

- (g) A sum due to any member in his character of a member by way of dividends, profits or otherwise shall not be a debt of the company payable to that member in a case of competition between himself and any other creditor not a member, but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

Unlimited
liability of
directors.

(2) In the winding up of a limited company any director, whether past or present, whose liability is unlimited shall in addition to his liability, if any, to contribute as an ordinary member be liable to make a further contribution as if he were, at the commencement of the winding up, a member of an unlimited company.

(3) Notwithstanding anything in subsection (2) of this section—

- (a) a past director shall not be liable to make a further contribution if he has not held office during the period of one year immediately preceding the commencement of the winding up ;
- (b) a past director shall not be liable to make a further contribution in respect of any debt or liability of the company contracted after he ceased to hold office ; and
- (c) subject to the articles of the company, a director shall not be liable to make a further contribution unless the Court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company and the costs, charges and expenses of the winding up.

(4) On the winding up of a company limited both by shares and guarantee every member shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

Nature of
liability of
contributory.

U.K. s. 214.
N.S.W. s. 202.
Vic. s. 157.
Qsld. s. 167.
S.A. s. 189.
W.A. s. 180.
Tas. s. 160.

219. The liability of a contributory shall create a debt of the nature of a specialty accruing due from him at the time when his liability commenced but payable at the time when calls are made for enforcing the liability.

Contributories
in case of
death of
member.

U.K. s. 215.
N.S.W. s. 203.
Vic. s. 158.
Qsld. s. 168.
S.A. s. 190.
W.A. s. 181.
Tas. s. 161.

220. (1) If a contributory dies, either before or after his name has been placed on the list of contributories, his personal representatives shall be liable in due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly, and if they make default in paying any money ordered to be paid by them

proceedings may be taken for administering the estate of the deceased contributory and for compelling payment thereof of the money due.

(2) If a contributory becomes bankrupt or assigns his estate for the benefit of his creditors, either before or after his name has been placed on the list of contributories—

(a) his trustee shall represent him for all the purposes of the winding up and shall be a contributory accordingly ; and

(b) there may be proved against his estate the estimated value of his liability to future calls as well as calls already made.

Contributories
in case of
bankruptcy
of member.

U.K. s. 216.
N.S.W. s. 204.
Vic. s. 159.
Qsld. s. 169.
S.A. s. 191.
W.A. s. 182.
Tas. s. 162.

DIVISION II.—WINDING UP BY THE COURT.

DIVISION II.

Subdivision (1)—General.

221. (1) A company (whether or not it is being wound up voluntarily) may be wound up under an order of the Court on the petition of—

Application for
winding up

N.S.W. s. 210.
Vic. ss. 161,
214.
Qsld. ss. 175,
260.
S.A. ss. 196,
271.
W.A. s. 187.
Tas. s. 164.

(a) the company ;

(b) any creditor, including a contingent or prospective creditor of the company ;

(c) a contributory ;

(d) the liquidator ;

(e) the Minister pursuant to section 175 ; or

(f) the official manager of the company appointed pursuant to Part IX,

or of any two or more of those parties.

(2) Notwithstanding anything in subsection (1) of this section—

(a) a contributory may not present the petition on any of the grounds specified in paragraphs (a), (b), (c), (e) or (h) of subsection (1) of section 222 unless—

(i) the number of members is reduced in the case of a proprietary company or a private

s. 221. In *re* THE CITY AND SUBURBAN STEAM BRICKMAKING CO., LTD. (1889) 23 S.A.L.R. 63; 3 Austr. Digest 961. Where a company petitions for the winding up of another company the court may order that the affidavit verifying the petition be made by an officer of the petitioning company.

In the matter of a petition to wind up the PORTABLE GAS COMPANY LIMITED (1892) 25 S.A.L.R. 86; 3 Austr. Digest 959, 962. As to service of petition where company has no registered office in the State. Where the petitioner is a company, the affidavit verifying petition may be made by the manager of the petitioning company.

company (other than a proprietary company or a private company the whole of the issued shares of which are held by a holding company which is a public company under this Act or under the law of any other State or Territory of the Commonwealth) below two or, in the case of any company other than a proprietary company or a private company, below five; or

- (ii) the shares in respect of which he is a contributory or some of them were originally allotted to him; or have been held by him and registered in his name for at least six months during the eighteen months before the presentation of the petition or have devolved on him through the death of a former holder ;
- (b) a petition shall not, if the ground of the petition is default in lodging the statutory report or in holding the statutory meeting, be presented by any person except a contributory nor before the expiration of fourteen days after the last day on which the meeting ought to have been held ;
- (c) the Court shall not hear the petition if presented by a contingent or prospective creditor until such security for costs has been given as the Court thinks reasonable and a *prima facie* case for winding up has been established to the satisfaction of the Court ; and
- (d) the Court shall not, where a company is being wound up voluntarily, make a winding up order unless it is satisfied that the voluntary winding up cannot be continued with due regard to the interests of the creditors or contributories.

Circumstances
in which
company may
be wound up
by Court.

U.K. ss. 222,
223.
N.S.W. ss. 208,
209.
Vic. s. 160.
Qsld. ss. 173,
174.
S.A. ss. 194,
195.
W.A. ss. 185,
186.
Tas. s. 163.

222. (1) The Court may order the winding up if—

- (a) the company has by special resolution resolved that it be wound up by the Court ;
- (b) default is made by the company in lodging the statutory report or in holding the statutory meeting ;
- (c) the company does not commence business within a year from its incorporation or suspends its business for a whole year ;

s. 222. In the matter of the Companies Act, and in the matter of the KAPUNDA UNITED TRADESMEN'S PROSPECTING COMPANY, LIMITED (1874) 8 S.A.L.R. 55; 3 Austr. Digest 944. Held under the Companies Act, 1864, that the court had power to order winding-up where the company was unable to pursue the objects for which it was formed.

- (d) the number of members is reduced in the case of a proprietary company or a private company (other than a proprietary company or private company the whole of the issued shares in which are held by a holding company which is a public company under this Act or under the law of any other State or Territory of the Commonwealth) below two or, in the case of any company other than a proprietary company or a private company, below five ;
- (e) the company is unable to pay its debts ;
- (f) directors have acted in the affairs of the company in their own interests rather than in the interests of the members as a whole, or in any other manner whatsoever which appears to be unfair or unjust to other members ;
- (g) an inspector appointed under section 169 or section 170 has reported that he is of opinion—
- (i) that the company cannot pay its debts and should be wound up ; or
 - (ii) that it is in the interests of the public or of the shareholders or of the creditors that the company should be wound up ; or
- (h) the Court is of the opinion that it is just and equitable that the company be wound up.

(2) A company shall be deemed to be unable to pay its debts if—

Definition of
inability to
pay debts.

- (a) a creditor by assignment or otherwise to whom the company is indebted in a sum exceeding fifty pounds then due has served on the company by leaving at the registered office a demand under his hand or under the hand of his agent thereunto lawfully authorized requiring the company to pay the sum so due; and the company has for three weeks thereafter neglected to pay the sum or to secure or compound for it to the reasonable satisfaction of the creditor ;
- (b) execution or other process issued on a judgment, decree or order of any court in favour of a creditor of the company is returned unsatisfied in whole or in part ; or
- (c) it is proved to the satisfaction of the Court that the company is unable to pay its debts ; and in determining whether a company is unable to pay its debts the Court shall take into account the contingent and prospective liabilities of the company.

PART X.

DIVISION II.

Commence-
ment of
winding up by
the Court.

U.K. s. 229.
N.S.W. s. 216.
Vic. s. 162.
Qsld. ss. 180,
261.
S.A. s. 202.
W.A. s. 192.
Tas. s. 165.

223. (1) Where before the presentation of the petition a resolution has been passed by the company for voluntary winding up, the winding up of the company shall be deemed to have commenced at the time of the passing of the resolution, and, unless the Court on proof of fraud or mistake thinks fit otherwise to direct, all proceedings taken in the voluntary winding up shall be deemed to have been validly taken.

(2) In any other case the winding up shall be deemed to have commenced at the time of the presentation of the petition for the winding up.

As to payment
of preliminary
costs, etc., by
petitioner
(other than
company or
liquidator).
Vic. s. 163.
Tas. s. 166.

224. (1) The persons, other than the company itself or the liquidator thereof, on whose petition any winding up order is made, shall at their own cost prosecute all proceedings in the winding up until a liquidator has been appointed under this Part.

(2) The liquidator shall, unless the Court orders otherwise, reimburse the petitioner out of the assets of the company the taxed costs incurred by the petitioner in any such proceedings.

(3) Where the company has no assets or not sufficient assets, and in the opinion of the Minister any fraud has been committed by any person in the promotion or formation of the company or by any officer of the company in relation to the company since the formation thereof, the taxed costs or so much of them as is not so reimbursed may, with the approval in writing of the Minister, to an extent specified by the Minister but not in any case exceeding One hundred and fifty pounds, be reimbursed to the petitioner out of moneys provided by Parliament for the purpose.

As to costs
when order
made on
petition of
company or
liquidator.

(4) Where any winding up order is made upon the petition of the company or the liquidator thereof, the costs incurred shall, subject to any order of the Court, be paid out of the assets of the company in like manner as if they were the costs of any other petitioner.

Powers of
Court on
hearing
petition.

U.K. s. 225.
N.S.W. s. 211.
Vic. s. 164.
Qsld. s. 176.
S.A. s. 197.
W.A. s. 188.
Tas. s. 167.

225. (1) On hearing a winding up petition the Court may dismiss it with or without costs or adjourn the hearing conditionally or unconditionally or make any interim or other order that it thinks fit, but the Court shall not refuse to make a winding up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets or that the company has no assets.

(2) The Court may on the petition coming on for hearing or at any time on the application of the petitioner, the company, or

any person who has given notice that he intends to appear on the hearing of the petition—

- (a) direct that any notices be given or any steps be taken before or after the hearing of the petition ;
- (b) dispense with any notices being given or steps being taken which are required by this Act, or by the rules or by any prior order of the Court ;
- (c) direct that oral evidence be taken on the petition or any matter relating thereto ;
- (d) direct a speedy hearing or trial of the petition or any issue or matter ;
- (e) allow the petition to be amended or withdrawn ; and
- (f) give such directions as to the proceedings as the Court thinks fit.

(3) Where the petition is presented by members as contributories on the ground that it is just and equitable that the company should be wound up or that the directors have acted in a manner which appears to be unfair or unjust to other members, the Court, if it is of opinion that—

- (a) the petitioners are entitled to relief either by winding up the company or by some other means ; and
- (b) in the absence of any other remedy it would be just and equitable that the company should be wound up,

shall make a winding up order unless it is also of the opinion both that some other remedy is available to the petitioners and that they are acting unreasonably in seeking to have the company wound up instead of pursuing that other remedy.

(4) Where the petition is presented on the ground of default in lodging the statutory report or in holding the statutory meeting, the Court may instead of making a winding up order, direct that the statutory report shall be lodged or that a meeting shall be held and may order the costs to be paid by any persons who, in the opinion of the Court, are responsible for the default.

226. At any time after the presentation of a winding up petition and before a winding up order has been made, the company or any creditor or contributory may, where any action or proceeding against the company is pending, apply to the Court to stay or restrain further proceedings in the action or proceeding, and the Court may stay or restrain the proceedings accordingly on such terms as it thinks fit.

Power to stay or restrain proceedings against company.
U.K. s. 226.
N.S.W. s. 212.
Vic. s. 165.
Qsld. s. 177.
S.A. s. 198.
W.A. s. 189.
Tas. s. 168.

PART X.

DIVISION II.

Avoidance of dispositions of property, etc.

U.K., s. 227.
N.S.W. s. 213.
Vic. s. 165.
Qsld. s. 178.
S.A. s. 199.
W.A. s. 190.
Tas. s. 169.

Avoidance of certain attachments, etc.

U.K., s. 228.
N.S.W. s. 214.
Vic. s. 165.
Qsld., s. 179.
S.A. s. 200.
W.A. s. 274.
Tas. s. 169.

Petition to be *lis pendens*.

N.S.W. s. 215.
Vic. s. 165.
S.A. s. 201.
W.A. s. 191.
Tas. s. 170.

Copy of order to be lodged, etc.

U.K. ss. 230-232.
N.S.W. ss. 217-219.
Vic. s. 166.
Qsld. ss. 181-183.
S.A. ss. 203-205.
W.A. ss. 193-195.
Tas. s. 171.

Actions stayed on winding up order

Effect of order.

227. Any disposition of the property of the company including things in action and any transfer of shares or alteration in the status of the members of the company made after the commencement of the winding up by the Court shall, unless the Court otherwise orders, be void.

228. Any attachment, sequestration, distress or execution put in force against the estate or effects of the company after the commencement of the winding up by the Court shall be void.

229. Any petition for winding up a company shall constitute a *lis pendens* within the meaning of any law relating to the effect of a *lis pendens* upon purchasers or mortgagees.

230. (1) Within seven days after the making of a winding up order the petitioner shall lodge with the Registrar notice in the prescribed form of—

- (a) the order and its date ; and
- (b) the name and address of the liquidator.

(2) On the passing and entering of the winding up order the petitioner shall within seven days—

- (a) lodge an office copy of the order with the Registrar ;
- (b) cause a copy to be served upon the secretary or manager of the company or upon such other person or in such manner as the Court directs ; and
- (c) deliver a copy to the liquidator with a statement that the requirements of this subsection have been complied with.

(3) When a winding up order has been made or a provisional liquidator has been appointed no action or proceeding shall be proceeded with or commenced against the company except—

- (a) by leave of the Court ; and
- (b) in accordance with such terms as the Court imposes.

(4) An order for winding up a company shall operate in favour of all the creditors and contributories of the company as if made on the joint petition of a creditor and of a contributory.

(5) If default is made in complying with subsection (1) or subsection (2) of this section the petitioner shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Subdivision (2)—Liquidators.

231. (1) On an order being made for the winding up of a company the Court may appoint an official liquidator to be liquidator of the company.

Appointment
of official
liquidator.

U.K. ss. 237,
238.
N.S.W. ss. 220,
221.
Vic. s. 167.
Qsld. ss. 1 85,
188.
S.A. s. 206.
W.A. s. 196.
Tas. s. 172.

(2) The Court may appoint an official liquidator provisionally at any time after the presentation of a winding up petition and before the making of a winding up order and the provisional liquidator shall have and may exercise all the functions and powers of a liquidator subject to such limitations and restrictions as may be prescribed by the rules or as the Court may specify in the order appointing him.

Provisional
liquidator.
vide s. 11

232. (1) A liquidator appointed by the Court may resign or on cause shown be removed by the Court.

General
provisions as
to liquidators.

(2) A provisional liquidator shall be entitled to receive such salary or remuneration by way of percentage or otherwise as is determined by the Court.

U.K. s. 242.
N.S.W. s. 228.
Vic. s. 170.
Qsld. ss.
194-198.
S.A. s. 210.
W.A. s. 200.
Tas. s. 175.

(3) A liquidator shall be entitled to receive such salary or remuneration by way of percentage or otherwise as is determined—

- (a) by agreement between the liquidator and the committee of inspection (if any) ;
- (b) failing such agreement or where there is no committee of inspection, by a resolution passed at a meeting of creditors by a majority of not less than three-fourths in value and one-half in number of the creditors present in person or by proxy and voting at the meeting and whose debts have been admitted to proof, which meeting shall be convened by the liquidator by a notice to each creditor to which notice shall be attached a statement of all receipts and expenditure by the liquidator and the amount of remuneration sought by him ; or
- (c) failing a determination in a manner referred to in paragraph (a) or (b) of this subsection, by the Court.

(4) Where the salary or remuneration of a liquidator is determined in the manner specified in paragraph (a) of subsection (3) of this section the Court may, on the application of a member or members whose shareholding or shareholdings

represents or represent in the aggregate not less than ten per centum of the issued capital of the company, confirm or vary the determination.

(5) Where the salary or remuneration of a liquidator is determined in the manner specified in paragraph (b) of subsection (3) of this section the Court may, on the application of the liquidator or a member or members referred to in subsection (4) of this section, confirm or vary the determination.

(6) A vacancy in the office of a liquidator appointed by the Court shall be filled by the Court.

(7) If more than one liquidator is appointed by the Court, the Court shall declare whether anything by this Act required or authorized to be done by the liquidator is to be done by all or any one or more of the persons appointed.

(8) Subject to this Act the acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

Custody and vesting of company's property.

U.K. ss. 243, 244.
N.S.W. ss. 230, 299.
Vic. s. 171.
Qld. ss. 199, 200.
S.A. ss. 210 (5), 211, 212.
W.A. ss. 201, 202.
Tas. s. 176.

233. (1) Where a winding up order has been made or a provisional liquidator has been appointed, the liquidator or provisional liquidator shall take into his custody or under his control all the property and things in action to which the company is or appears to be entitled, and if there is no liquidator all the property of the company shall be in the custody of the Court.

(2) The Court may, on the application of the liquidator, by order direct that all or any part of the property of whatsoever description belonging to the company or held by trustees on its behalf shall vest in the liquidator and thereupon the property to which the order relates shall vest accordingly and the liquidator may, after giving such indemnity, if any, as the Court directs, bring or defend any action or other legal proceeding which relates to that property or which it is necessary to bring or defend for the purpose of effectually winding up the company and recovering its property.

(3) Where an order is made under this section, every liquidator of a company in relation to which the order is made shall, within seven days after the making of the order, lodge—

- (a) an office copy of the order with the Registrar ;
- (b) where the order relates to land under The Real Property Act, 1886-1936, as amended, an office copy of the order with the Registrar-General ; and
- (c) where the order relates to any other land, a memorial of the order with the Registrar-General of Deeds,

and every liquidator who makes default in complying with this section shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

(4) No vesting order referred to in this section shall have any effect or operation in transferring or otherwise vesting land to which The Real Property Act, 1886-1936, as amended, applies until an entry of a memorandum thereof is made in the Register Book kept under that Act and on the duplicate grant or certificate of title and duplicate instrument (if any).

234. (1) There shall be made out and verified by statutory declaration in the prescribed form and manner and submitted to the liquidator a statement in the prescribed form as to the affairs of the company as at the date of the winding up order showing—

- (a) the particulars of its assets, debts and liabilities ;
- (b) the names and addresses of its creditors ;
- (c) the securities held by them respectively ;
- (d) the dates when the securities were respectively given ;
and
- (e) such further information as is prescribed or as the liquidator requires.

(2) The statement shall be submitted by one or more of the persons who are at the date of the winding up order directors, and by the secretary of the company, or by such of the persons hereinafter mentioned as the liquidator, subject to the direction of the Court, requires, that is to say, persons—

- (a) who are or have been officers of the company ;
- (b) who have taken part in the formation of the company at any time within one year before the date of the winding up order ; or
- (c) who are or have been within that period officers of or in the employment of a corporation which is, or within that period was, an officer of the company to which the statement relates.

(3) The statement shall be submitted within fourteen days after the date of the winding up order or within such extended time as the liquidator or the Court for special reasons specifies, and the liquidator shall within seven days after its receipt cause a certified copy of the statement to be filed with the Court and lodged with the Registrar.

(4) Any person making or concurring in making the statement required by this section may, subject to the rules, be allowed,

Statement of
company's
affairs to be
submitted to
liquidator.
U.K. s. 235.
N.S.W. s. 222.
Vic. s. 172.
Qld., s. 186.
S.A. s. 208.
W.A. s. 193.
Tas. s. 177.

and be paid by the liquidator, out of the assets of the company, such costs and expenses incurred in and about the preparation and making of the statement as the liquidator considers reasonable subject to an appeal to the Court.

(5) Every person who without reasonable excuse makes default in complying with the requirements of this section shall be guilty of an offence against this Act.

Penalty: Imprisonment for three months or five hundred pounds or both. Default penalty.

Report by liquidator.
U.K. s. 236.
N.S.W. ss. 223
224.
Vic. s. 178.
Qsld. s. 187.
S.A. s. 209.
W.A. s. 199.
Tas. s. 178.

235. (1) The liquidator shall as soon as practicable after receipt of the statement of affairs submit a preliminary report to the Court—

- (a) as to the amount of capital issued, subscribed and paid up and the estimated amount of assets and liabilities;
- (b) if the company has failed, as to the causes of the failure; and
- (c) whether in his opinion further inquiry is desirable as to any matter relating to the promotion, formation or failure of the company or the conduct of the business thereof.

(2) The liquidator may also, if he thinks fit, make further reports stating the manner in which the company was formed and whether in his opinion any fraud has been committed or any material fact has been concealed by any person in its promotion or formation or by any officer in relation to the company since its formation, and specifying any other matter which in his opinion it is desirable to bring to the notice of the Court.

Powers of liquidator.
U.K. s. 245.
N.S.W. s. 231.
Vic. s. 174.
Qsld. s. 201
S.A. s. 213.
W.A. s. 203.
Tas. s. 179.

236. (1) The liquidator may with the authority either of the Court or of the committee of inspection—

- (a) carry on the business of the company so far as is necessary for the beneficial winding up thereof, but the authority shall not be necessary to so carry on the business during the four weeks next after the date of the winding up order;
- (b) subject to the provisions of section 292, pay any class of creditors in full;

s. 236. In *re* KESWICK MOTOR COMPANY LIMITED (1922) S.A.S.R. 241; 3 Austn. Digest 1085; 12 Austn. Digest 1267, 1268. Held that costs of the official liquidator must be taxed as between solicitor and client according to the principles applicable where costs are payable out of a general or common fund. Explanation of principles on which the costs payable by an official liquidator to his solicitor should be taxed.

GROWDEN v. WILTSHIRE (1934-35) 52 C.L.R. 286; 8 A.B.C. 92. A bankruptcy petition against a creditor of a company in liquidation should not be presented in the official liquidator's name, but in the name of the company; but the irregularity can be cured by amendment.

- (c) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable ; and
 - (d) compromise any calls and liabilities to calls, debts and liabilities capable of resulting in debts and any claims present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and a contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as are agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.
- (2) The liquidator may—
- (a) bring or defend any action or other legal proceeding in the name and on behalf of the company ;
 - (b) appoint a solicitor to assist him in his duties ;
 - (c) sell the real and personal property and things in action of the company by public auction, public tender or private contract with power to transfer the whole thereof to any person or company or to sell the same in parcels ;
 - (d) do all acts and execute in the name and on behalf of the company all deeds, receipts and other documents and for that purpose use when necessary the company's seal ;
 - (e) prove, rank and claim in the bankruptcy of any contributory or debtor for any balance against his estate, and receive dividends in the bankruptcy in respect of that balance as a separate debt due from the bankrupt and rateably with the other separate creditors ;
 - (f) draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company with the same effect with respect to the liability of the company as if the bill or note had been drawn, accepted, made or indorsed by or on behalf of the company in the course of its business ;
 - (g) raise on the security of the assets of the company any money requisite ;

- (h) take out letters of administration of the estate of any deceased contributory or debtor, and do any other act necessary for obtaining payment of any money due from a contributory or debtor or his estate which cannot be conveniently done in the name of the company, and in all such cases the money due shall, for the purposes of enabling the liquidator to take out the letters of administration or recover the money, be deemed due to the liquidator himself ;
- (i) compromise any debt due to the company other than calls and liabilities for calls and other than a debt where the amount claimed by the company to be due to it exceeds three hundred pounds ;
- (j) appoint an agent to do any business which the liquidator is unable to do himself ; and
- (k) do all such other things as are necessary for winding up the affairs of the company and distributing its assets.

(3) The exercise by the liquidator of the powers conferred by this section shall be subject to the control of the Court, and any creditor or contributory may apply to the Court with respect to any exercise or proposed exercise of any of those powers.

Exercise and control of liquidator's powers.

U.K. s. 246.
N.S.W. s. 232
Vic. s. 175.
Qsld., s. 202.
S.A. s. 214.
W.A. s. 204.
Tas. s. 180.

237. (1) Subject to this Part the liquidator shall in the administration of the assets of the company and in the distribution thereof among its creditors have regard to any directions given by resolution of the creditors or contributories at any general meeting or by the committee of inspection, and any directions so given by the creditors or contributories shall in case of conflict override any directions given by the committee of inspection.

(2) The liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and he shall summon meetings at such times as the creditors or contributories by resolution direct or whenever requested in writing to do so by not less than one-tenth in value of the creditors or contributories.

(3) The liquidator may apply to the Court for directions in relation to any particular matter arising under the winding up.

(4) Subject to this Part the liquidator shall use his own discretion in the management of the affairs and the property of the company and the distribution of its assets.

s. 237. In *re* FEDERAL BANK OF AUSTRALIA, 2ND MARCH, 1895; S.A. *Advertiser* (newspr.); 3 Austn. Digest 1059. Held under section 153 (2) of The Companies Act, 1892, that "creditors" meant the whole of the creditors and not merely those in South Australia.

238. (1) Every liquidator shall, in the manner and at the times prescribed by the rules, pay the money received by him into the bank and account prescribed by the rules or specified by the Court.

(2) If any liquidator retains for more than ten days a sum exceeding twenty-five pounds, or such other amount as the Court in any particular case authorizes him to retain, then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess computed from the expiration of the ten days until he has complied with the provisions of subsection (1) of this section at the rate of twenty per centum per annum, and shall be liable—

- (a) to disallowance of all or such part of his remuneration as the Court thinks just ;
- (b) to be removed from his office by the Court; and
- (c) to pay any expenses occasioned by reason of his default.

(3) Any liquidator who pays any sums received by him as liquidator into any bank or account other than the bank or account prescribed or specified under subsection (1) of this section shall be guilty of an offence against this Act.

239. When the liquidator—

- (a) has realized all the property of the company or so much thereof as can in his opinion be realized without needlessly protracting the liquidation, and has distributed a final dividend, if any, to the creditors and adjusted the rights of the contributories among themselves and made a final return, if any, to the contributories; or
- (b) has resigned or has been removed from his office, he may apply to the Court—
 - (i) for an order that he be released; or
 - (ii) for an order that he be released and that the company be dissolved.

240. (1) Where an order is made that the company be dissolved the company shall from the date of the order be dissolved accordingly.

(2) The Court—

- (a) may cause a report on the accounts of the liquidator to be prepared by the auditor appointed by the Registrar under section 281 or by some other registered company auditor appointed by the Court ;

Payment by liquidator into bank.

U.K. s. 248.
N.S.W. s. 234.
Vic. s. 177.
Qsld., s. 204.
S.A. s. 216.
W.A. s. 206.
Tas. s. 182.

Release of liquidators and dissolution of company.

U.K. ss. 251, 274.
N.S.W. ss. 237, 259.
Vic. ss. 180, 193.
Qsld. ss. 207, 228.
S.A. ss. 219 (1), 241 (1).
W.A. ss. 209, 230.
Tas. ss. 185, 203.

As to orders for release or dissolution.

Vic. ss. 180, 193.
S.A. ss. 219, 241.

(b) on the liquidator complying with all the requirements of the Court, shall take into consideration the report and any objection which is urged by the auditor or any creditor or contributory or other person interested against the release of the liquidator ; and

(c) shall either grant or withhold the release accordingly.

(3) Where the release of a liquidator is withheld, the Court may on the application of any creditor or contributory or person interested make such order as it thinks just charging the liquidator with the consequences of any act or default which he may have done or made contrary to his duty.

(4) An order of the Court releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(5) Where the liquidator has not previously resigned or been removed his release shall operate as a removal from office.

(6) Where the Court has made—

(a) an order that the liquidator be released ; or

(b) an order that the liquidator be released and that the company be dissolved,

an office copy of the order shall within fourteen days after the making thereof be lodged by the liquidator with the Registrar, and the liquidator who makes default in complying with the requirements of this subsection shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Subdivision (3)—Committees of Inspection.

241. (1) The liquidator shall if requested by any creditor or contributory summon separate meetings of the creditors and contributories for the purpose of determining whether or not the creditors or contributories require the appointment of a committee of inspection to act with the liquidator, and, if so, who are to be members of the committee.

(2) If there is a difference between the determinations of the meetings of the creditors and contributories the Court shall decide the difference and make such order as it thinks fit.

(3) Where there is no committee of inspection the Court may, on the application of the liquidator, do any act or thing or give any direction or permission which is by this Part authorized or required to be done or given by the committee.

Meetings to determine whether committee of inspection to be appointed.
U.K. ss. 252, 254.
N.S.W. ss. 238, 240.
Vic. s. 181,
Qsld., s. 208,
S.A. ss. 220, 222.
W.A. ss. 210, 212.
Tas. s. 186.

Powers of Court where no committee of inspection.

242. (1) The committee of inspection shall consist of creditors and contributories of the company or persons holding—

- (a) general powers of attorney from creditors or contributories ; or
- (b) special authorities from creditors or contributories authorizing the persons named therein to act on such a committee,

Constitution and proceedings of committee of inspection.

U.K. s. 258.
N.S.W. s. 239.
Vic. s. 182.
Qsld. s. 209.
S.A. s. 221.
W.A. s. 211.
Tas. s. 187.

appointed by the meetings of creditors and contributories in such proportions as are agreed, or in case of difference, as are determined by the Court.

(2) The committee shall meet at such times and places as they from time to time appoint, and the liquidator or any member of the committee may also call a meeting of the committee as he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee is present.

(4) A member of the committee may resign by notice in writing signed by him and delivered to the liquidator.

(5) If a member of the committee becomes bankrupt or assigns his estate for the benefit of his creditors or makes an arrangement with his creditors pursuant to the law of the Commonwealth relating to bankruptcy or is absent from five consecutive meetings of the committee without the leave of those members who together with himself represent the creditors or contributories, as the case may be, his office shall thereupon become vacant.

(6) A member of the committee may be removed by an ordinary resolution at a meeting of creditors, if he represents creditors, or of contributories, if he represents contributories, of which meeting seven days' notice has been given stating the object of the meeting.

(7) A vacancy in the committee may be filled by the appointment by the committee of the same or another creditor or contributory or person holding a general power or special authority as specified in subsection (1) of this section.

(8) The liquidator may at any time of his own motion and shall within seven days after the request in writing of a creditor or contributory summon a meeting of creditors or of contributories, as the case requires, to consider any appointment made pursuant to subsection (7) of this section and the meeting may confirm the appointment or revoke the appointment and appoint another creditor or contributory or person holding a general

power or special authority as specified in subsection (1) of this section, as the case requires, in his stead.

(9) The continuing members of the committee, if not less than two, may act notwithstanding any vacancy in the committee.

Subdivision (4)—General Powers of Court.

Power to stay winding up.
U.K. s. 256.
N.S.W. s. 241.
Vic. s. 183.
Qsld., s. 210.
S.A. s. 223.
W.A. s. 213.
Tas. s. 188.

243. (1) At any time after an order for winding up has been made the Court may, on the application of the liquidator or of any creditor or contributory and on proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings either altogether or for a limited time on such terms and conditions as the Court thinks fit.

(2) On any such application the Court may, before making an order, require the liquidator to furnish a report with respect to any facts or matters which are in his opinion relevant.

(3) An office copy of every order made under this section shall be lodged by the company with the Registrar within fourteen days after the making of the order.

Penalty: Fifty pounds. Default penalty.

Settlement of list of contributories and application of assets.
U.K. s. 257.
N.S.W. s. 242.
Vic. s. 184.
Qsld., s. 211.
S.A. s. 224.
W.A. s. 214.
Tas. s. 189.

244. (1) As soon as may be after making a winding up order the Court shall settle a list of contributories and may rectify the register of members in all cases where rectification is required in pursuance of this Part and shall cause the assets of the company to be collected and applied in discharge of its liabilities.

(2) Notwithstanding the provisions of subsection (1) of this section where it appears to the Court that it will not be necessary to make calls on or adjust the rights of contributories, the Court may dispense with the settlement of a list of contributories.

(3) In settling the list of contributories the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable for the debts of others.

(4) The list of contributories when settled shall be *prima facie* evidence of the liabilities of the persons named therein as contributories.

s. 244. In *re* MURRAY ENGINEERING COMPANY LIMITED (1925) S.A.S.R. 330; 3 Austn. Digest 1020. The settling of the list of contributories should be carried out at a definite and stated time and place when the alleged contributories are to have an opportunity of showing cause. Explanation of the meaning of "settling" the list of contributories.

In *re* CHARMS LIMITED—CHALK'S CASE (1932) S.A.S.R. 341; 3 Austn. Digest 1019. The liquidator is not deprived of the benefit of section 224 (3) of the Companies Act, 1892, because he puts inconclusive facts in evidence to establish the liability of a contributory.

245. (1) The Court may require any contributory, trustee, receiver, banker, agent or officer of the company to pay, deliver, convey, surrender or transfer to the liquidator or provisional liquidator forthwith or within such time as the Court directs any money, property, books, and papers in his hands to which the company is *prima facie* entitled.

Delivery of property to liquidator.

U.K. ss. 258-262.
N.S.W. ss. 243-247.
Vic. s. 185.
Qsld. ss. 212-216.
S.A. ss. 225-229.
W.A. ss. 215-219.
Tas. ss. 190-194.

(2) The Court may make an order directing any contributory for the time being on the list of contributories to pay to the company in the manner directed by the order any money due from him or from the estate of the person whom he represents exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Act, and may—

Payment of debts due by contributory to company, and extent to which set-off allowed.

(a) in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract but not any money due to him as a member of the company in respect of any dividend or profit ; and

(b) in the case of a limited company, make to any director whose liability is unlimited or to his estate the like allowance,

and in the case of any company whether limited or unlimited when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

(3) The Court may either before or after it has ascertained the sufficiency of the assets of the company—

Power of Court to make calls.

(a) make calls on all or any of the contributories for the time being on the list of contributories, to the extent of their liability, for payment of any money which the Court considers necessary to satisfy the debts and liabilities of the company and the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves ; and

(b) make an order for payment of any calls so made,

and in making a call may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

(4) The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the amount due into some bank named in such order to the

Payment into bank of moneys due to company.

PART X.

DIVISION II.

account of the liquidator instead of to the liquidator, and any such order may be enforced in the same manner as if it had directed payment to the liquidator.

(5) All moneys and securities paid or delivered into any bank pursuant to this Division shall be subject in all respects to orders of the Court.

(6) An order made by the Court under this section shall, subject to any right of appeal, be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due, and all other pertinent matters stated in the order shall be taken to be truly stated as against all persons and in all proceedings.

Order on contributory conclusive evidence.

Appointment of special manager.

U.K. s. 263.
N.S.W. s. 248.
Vic. s. 186.
Qsld. s. 217.
S.A. s. 230.
W.A. s. 220.
Tas. s. 195.

246. (1) The liquidator may, if satisfied that the nature of the estate or business of the company, or the interest of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the company other than himself, apply to the Court which may appoint a special manager of the estate or business to act during such time as the Court directs with such powers, including any of the powers of a receiver or manager, as are entrusted to him by the Court.

(2) The special manager—

- (a) shall give such security and account in such manner as the Court directs;
- (b) shall receive such remuneration as is fixed by the Court; and
- (c) may at any time resign by notice in writing addressed to the liquidator, or on cause shown be removed by the Court.

Claims of creditors and distribution of assets.

U.K. ss. 264, 265, 267.
N.S.W. ss. 249, 250, 252.
Vic. s. 187.
Qsld. ss. 218-219, 221.
S.A. ss. 231, 232, 234.
W.A. ss. 221, 222.
Tas. s. 196.

247. (1) The Court may fix a date on or before which creditors are to prove their debts or claims or after which they will be excluded from the benefit of any distribution made before those debts are proved.

(2) The Court shall adjust the rights of the contributories among themselves and distribute any surplus among the persons entitled thereto.

(3) The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges and expenses incurred in the winding up in such order of priority as the Court thinks just.

248. The Court may make such order for inspection of the books and papers of the company by creditors and contributories as the Court thinks just, and any books and papers in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Inspection of books by creditors and contributories.

U.K. s. 266.
N.S.W. s. 251
Vic. s. 188.
Qsld. s. 220.
S.A. s. 233.
W.A. s. 223.
Tas. s. 197.

249. (1) The Court may summon before it any officer of the company or person known or suspected to have in his possession any property of the company or supposed to be indebted to the company, or any person whom the Court deems capable of giving information concerning the promotion, formation, trade dealings, affairs or property of the company.

Power to summon persons connected with company.

U.K. s. 268.
N.S.W. s. 253.
Vic. s. 189.
Qsld. s. 222.
S.A. ss. 235, 236.
W.A. s. 224.
Tas. s. 198.

(2) The Court may examine him on oath concerning the matters mentioned in subsection (1) of this section either by word of mouth or on written interrogatories and may reduce his answers to writing and require him to sign them, and any writing so signed may be used in evidence in any legal proceedings against him.

(3) The Court may require him to produce any books and papers in his custody or power relating to the company, but where he claims any lien on books or papers the production shall be without prejudice to that lien, and the Court shall have jurisdiction to determine all questions relating to that lien.

(4) An examination under this section or section 250 may, if the Court so directs and subject to the rules, be held before the Master or other officer of the Supreme Court or a special magistrate named for the purpose by the Court, and the powers of the Court under this section and section 250 may be exercised by such Master, officer or special magistrate as the case may be.

(5) Any person summoned before the Court, Master, officer or magistrate for examination under this section may at his own cost employ a solicitor, with or without counsel, who shall be at liberty to put to him such questions as the Court or the Master, officer or magistrate, as the case may be, deems just for the purpose of enabling him to explain or qualify any answers given by him.

(6) If any person so summoned, after being tendered a reasonable sum for his expenses, fails or refuses to come before the Court, Master, officer or magistrate at the time appointed not having a lawful excuse made known to and allowed by the Court, Master, officer or magistrate at the time of the sitting the Court may cause him to be apprehended and brought before the Court, Master, officer or magistrate as the case may be for examination.

PART X.

DIVISION II.

Power to
order public
examination of
promoters,
directors, etc.
U.K. s. 270.
N.S.W. s. 254.
Vic. s. 190
Qsld. s. 223.
S.A. s. 236.
W.A. s. 225.
Tas. ss. 199,
200

250. (1) Where the liquidator has made a report under this Part stating that, in his opinion, a fraud has been committed or that any material fact has been concealed by any person in the promotion or formation of the company or by any officer in relation to the company since its formation, the Court may after consideration of the report direct that the person or officer, or any other person who was previously an officer of the company, including any banker, solicitor or auditor, or who is known or suspected to have in his possession any property of the company or is supposed to be indebted to the company or any person whom the Court deems capable of giving information concerning the promotion, formation, trade dealings, affairs or property of the company, shall attend before the Court on a day appointed and be publicly examined as to the promotion or formation or the conduct of the business of the company, or in the case of an officer or former officer, as to his conduct and dealings as an officer thereof.

(2) The liquidator and any creditor or contributory may take part in the examination either personally or by solicitor or counsel.

(3) The Court may put or allow to be put such questions to the person examined as the Court thinks fit.

(4) The person examined shall be examined on oath and shall answer all such questions as the Court puts or allows to be put to him.

(5) A person ordered to be examined under this section—

(a) shall before his examination be furnished with a copy of the liquidator's report; and

(b) may at his own cost employ a solicitor, with or without counsel, who shall be at liberty to put to him such questions as the Court deems just for the purpose of enabling him to explain or qualify any answers given by him.

(6) Where a person directed to attend before the Court under subsection (1) of this section applies to the Court to be exculpated from any charges made or suggested against him, the liquidator shall appear on the hearing of the application and call the attention of the Court to any matters which appear to him to be relevant and if the Court, after hearing any evidence given or witnesses called by the liquidator, grants the application, the Court may allow the applicant such costs as in its discretion it thinks fit.

(7) Notes of the examination—

(a) shall be reduced to writing;

(b) shall be read over to or by and signed by the person examined;

- (c) may thereafter be used in evidence in any legal proceedings against him ; and
- (d) shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The Court may if it thinks fit adjourn the examination from time to time.

251. The Court, at any time before or after making a winding up order, on proof of probable cause for believing that a contributory is about to quit the State or otherwise to abscond or to remove or conceal any of his property for the purpose of evading payment of calls or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested and his books and papers and movable personal property to be seized and him and them to be safely kept until such time as the Court orders.

Power to arrest absconding contributory.
U.K. s. 271.
N.S.W. s. 256.
Vic. s. 191.
Qsld. s. 225.
S.A. s. 238.
W.A. s. 227.
Tas. s. 201.

252. Provision may be made by rules enabling or requiring all or any of the powers and duties conferred and imposed on the Court by this Part in respect of—

Delegation to liquidator of certain powers of Court.
U.K. s. 273.
N.S.W. s. 257.
Vic. s. 192.
Qsld. s. 227.
S.A. s. 240.
W.A. s. 229.
Tas. s. 202.

- (a) the holding and conducting of meetings to ascertain the wishes of creditors and contributories ;
- (b) the settling of lists of contributories, the rectifying of the register of members where required, and the collecting and applying of the assets ;
- (c) the paying, delivery, conveyance, surrender or transfer of money, property, books or papers to the liquidator ;
- (d) the making of calls and the adjusting of the rights of contributories ; and
- (e) the fixing of a time within which debts and claims must be proved,

to be exercised or performed by the liquidator as an officer of the Court and subject to the control of the Court, but the liquidator shall not without the special leave of the Court rectify the register of members and shall not make any calls without either the special leave of the Court or the sanction of the committee of inspection.

253. Any powers by this Act conferred on the Court shall be in addition to and not in restriction of any existing powers of instituting proceedings against any contributory or debtor of the company or the estate of any contributory or debtor for the recovery of any call or other sums.

Powers of Court cumulative.
U.K. ss. 272, 277.
N.S.W. s. 257.
Vic. s. 194.
Qsld. ss. 226, 230.
S.A. s. 239.
W.A. s. 228.
Tas. ss. 204, 205.

Subdivision (1)—Introductory.

Company may be wound up voluntarily.
 U.K. ss. 278, 279.
 N.S.W. ss. 260, 261.
 Qsld. ss. 231, 234.
 Vic. s. 195.
 S.A. ss. 242, 243.
 W.A. s. 231.
 Tas. s. 206.

254. (1) A company may be wound up voluntarily if the company so resolves by special resolution.

(2) A company shall—

(a) within seven days after the passing of a resolution for voluntary winding up lodge with the Registrar a copy of the resolution together with notice thereof in the prescribed form; and

(b) within ten days after the passing of the resolution give notice of the resolution in the *Government Gazette*.

(3) If the company fails to comply with the provisions of subsection (2) of this section the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

Commencement of winding up.
 U.K. s. 280.
 N.S.W. s. 262.
 Vic. s. 196.
 Qsld. s. 233.
 S.A. s. 244.
 W.A. s. 233.
 Tas. s. 207.

255. A voluntary winding up shall commence at the time of the passing of the resolution for voluntary winding up.

Effect of voluntary winding up.
 U.K. ss. 281, 282.
 N.S.W. ss. 263, 264.
 Vic. s. 197.
 Qsld. ss. 232-235.
 S.A. ss. 245, 246.
 W.A. s. 234, 235.
 Tas. s. 208.

256. (1) The company shall from the commencement of the winding up cease to carry on its business, except so far as is in the opinion of the liquidator required for the beneficial winding up thereof, but the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved.

(2) Any transfer of shares, not being a transfer made to or with the sanction of the liquidator, and any alteration in the status of the members made after the commencement of the winding up, shall be void.

Declaration of solvency.
 U.K. s. 283.
 N.S.W. s. 265.
 Vic. s. 198.
 Qsld. s. 236.
 S.A. s. 247.
 W.A. s. 236.
 Tas. s. 209.

257. (1) Where it is proposed to wind up a company voluntarily, the directors of the company, or, in the case of a company having more than two directors, the majority of the directors, may, before the date on which the notices of the meeting at which the resolution for the winding up of the company is to be proposed are sent out, make a written declaration in the prescribed form to the effect that they have made an inquiry into the affairs of the company and that at a meeting of directors have formed the opinion that the company will be able to pay its debts in full within a period not exceeding twelve months after the commencement of the winding up.

(2) There shall be attached to the declaration a statement of affairs of the company showing, in the prescribed form—

- (a) the assets of the company, and the total amount expected to be realized therefrom ;
- (b) the liabilities of the company ; and
- (c) the estimated expenses of winding up,

made up to the latest practicable date before the making of the declaration.

(3) Subject to subsection (3) of section 366, a declaration so made shall have no effect for the purposes of this Act unless it is—

- (a) made at the meeting of directors referred to in subsection (1) of this section ;
- (b) made within five weeks immediately preceding the passing of the resolution for voluntary winding up ; and
- (c) lodged with the Registrar before the date on which the notices of the meeting at which the resolution for the winding up of the company is to be proposed are sent out.

(4) A director who makes a declaration under this section without having reasonable grounds for the opinion that the company will be able to pay its debts in full within the period stated in the declaration shall be guilty of an offence against this Act.

Penalty : Imprisonment for six months or five hundred pounds or both.

(5) If the company is wound up in pursuance of a resolution for voluntary winding up passed within a period of five weeks after the making of the declaration, but its debts are not paid or provided for in full within the period stated in the declaration, it shall be presumed until the contrary is shown that the director did not have reasonable grounds for his opinion.

*Subdivision (2)—Provisions applicable only to Members'
Voluntary Winding Up.*

258. (1) The company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the company and may fix the remuneration to be paid to him or them.

(2) On the appointment of a liquidator all the powers of the directors shall cease except so far as the liquidator or the

Liquidators.
U.K. ss. 285,
286.
N.S.W. ss. 267
268.
Vic. s. 199.
Qsld. ss. 238,
239.
S.A. ss. 249,
250.
W.A. ss. 238,
239.
Tas. s. 210.

company in general meeting with the consent of the liquidator approves the continuance thereof.

(3) If a vacancy occurs by death, resignation or otherwise in the office of a liquidator the company in general meeting may fill the vacancy by the appointment of a liquidator and fix the remuneration to be paid to him, and for that purpose a general meeting may be convened by any contributory, or if there were more liquidators than one by the continuing liquidators.

(4) The meeting shall be held in manner provided by this Act or by the articles or in such manner as is on application by any contributory or by the continuing liquidators determined by the Court.

Duty of liquidator to call creditors' meeting in case of insolvency.
U.K. ss. 288, 291.
Vic. s. 200.
Qld. s. 236.
Tas. s. 211.

259. (1) If the liquidator is at any time of the opinion that the company will not be able to pay or provide for the payment of its debts in full within the period stated in the declaration made under section 257 he shall forthwith summon a meeting of the creditors by notice in the prescribed form and lay before the meeting a statement of the assets and liabilities of the company and the notice summoning the meeting shall draw the attention of the creditors to the right conferred upon them by subsection (2) of this section.

(2) The creditors may, at the meeting summoned under subsection (1) of this section appoint some other person to be liquidator for the purpose of winding up the affairs and distributing the assets of the company instead of the liquidator appointed by the company.

(3) If the creditors appoint some other person under subsection (2) of this section the winding up shall thereafter proceed as if the winding up were a creditors' voluntary winding up.

(4) The liquidator shall within seven days after a meeting has been held pursuant to the provisions of subsection (1) of this section lodge with the Registrar a notice in the prescribed form and if default is made in complying with this subsection the liquidator shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Alternative provisions as to annual and final meetings in case of insolvency.

(5) Where the liquidator has convened a meeting under subsection (1) of this section and the creditors do not appoint a liquidator instead of the liquidator appointed by the company, the winding up shall thereafter proceed as if the winding up were a creditors' voluntary winding up; but the liquidator shall not be required to summon an annual meeting of creditors at the end of the first year after the commencement of the winding up if the meeting held under subsection (1) of this section was held less than three months before the end of that year.

*Subdivision (3)—Provisions applicable only to Creditors'
Voluntary Winding Up.*

260. (1) The company shall cause a meeting of the creditors of the company to be summoned for the day, or the day next following the day, on which there is to be held the meeting at which the resolution for voluntary winding up is to be proposed, and shall cause the notices of the meeting of creditors to be sent by post to the creditors simultaneously with the sending of the notices of the meeting of the company.

Meeting of
creditors.
U.K. s. 293.
N.S.W. s. 273.
Vic. s. 201.
Qsld. s. 244.
S.A. s. 255.
W.A. s. 244.
Tas. s. 212.

(2) The company shall convene the meeting at a time and place convenient to the majority in value of the creditors and shall—

- (a) give to the creditors at least seven clear days' notice by post of the meeting; and
- (b) send to each creditor with the notice a statement showing the names of all creditors and the amounts of their claims.

(3) The company shall cause notice of the meeting of the creditors to be advertised at least seven days before the date of the meeting in the *Government Gazette* and in a daily newspaper circulating generally throughout the State.

(4) The directors of the company shall—

- (a) cause a statement in the prescribed form of the company's affairs showing in respect of assets the method and manner in which the valuation of the assets was arrived at, together with a list of the creditors and the estimated amount of their claims to be laid before the meeting of creditors; and
- (b) appoint one of their number to attend the meeting.

(5) The director so appointed and the secretary shall attend the meeting and disclose to the meeting the company's affairs and the circumstances leading up to the proposed winding up.

(6) The creditors may appoint one of their number or the director appointed under subsection (4) of this section to preside at the meeting.

(7) The chairman shall at the meeting determine whether the meeting has been held at a time and place convenient to the majority in value of the creditors and his decision shall be final.

(8) If the chairman decides that the meeting has not been held at a time and place convenient to that majority the meeting shall lapse and a further meeting shall be summoned by the company as soon as is practicable.

(9) If the meeting of the company is adjourned and the resolution for winding up is passed at an adjourned meeting, any resolution passed at the meeting of the creditors shall have effect as if it had been passed immediately after the passing of the resolution for winding up.

(10) If default is made in complying with this section the company and any officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

Liquidators.
U.K. ss. 294,
296, 297.
N.S.W. s. 274.
Vic. s. 202.
S.A. ss. 256,
258, 259.
Qsld. ss. 245,
247, 248.
Tas. s. 213.
W.A. s. 245.

261. (1) The company shall and the creditors may at their respective meetings nominate a person to be liquidator for the purpose of winding up the affairs and distributing the assets of the company, and if the creditors and the company nominate different persons the person nominated by the creditors shall be liquidator, and if no person is nominated by the creditors the person nominated by the company shall be liquidator.

(2) Notwithstanding the provisions of subsection (1) of this section where different persons are nominated any director, member or creditor may, within seven days after the date on which the nomination was made by the creditors, apply to the Court for an order directing that the person nominated as liquidator by the company shall be liquidator instead of or jointly with the person nominated by the creditors.

(3) The committee of inspection, or if there is no such committee the creditors, may fix the remuneration to be paid to the liquidator.

(4) On the appointment of a liquidator all the powers of the directors shall cease, except so far as the committee of inspection, or if there is no such committee the creditors, approve the continuance thereof.

(5) If a liquidator, other than a liquidator appointed by or by the direction of the Court dies, resigns or otherwise vacates the office the creditors may fill the vacancy and for the purpose of so doing a meeting of the creditors may be summoned by any two of their number.

262. (1) The creditors at the meeting summoned pursuant to section 259 or section 260 or at any subsequent meeting may, if they think fit, appoint a committee of inspection consisting of not more than five persons, whether creditors or not, and if such a committee is appointed the company may, either at the meeting at which the resolution for voluntary winding up is passed or at any time subsequently in general meeting, appoint such number of persons but not more than five as it thinks fit to act as members of the committee.

(2) Notwithstanding the provisions of subsection (1) of this section the creditors may, if they think fit, resolve that all or any of the persons so appointed by the company ought not to be members of the committee of inspection and, if the creditors so resolve, the persons mentioned in the resolution shall not, unless the Court otherwise directs, be qualified to act as members of the committee, and on any application to the Court under this subsection the Court may, if it thinks fit, appoint other persons to act as such members in place of the persons mentioned in the resolution.

(3) Subject to this section and the rules, the provisions of Subdivision (3) of Division II of this Part relating to the proceedings of and vacancies in committees of inspection shall apply with respect to a committee of inspection appointed under this section.

263. (1) Any attachment, sequestration, distress or execution put in force against the estate or effects of the company after the commencement of a creditors' voluntary winding up shall be void.

(2) After the commencement of the winding up no action or proceeding shall be proceeded with or commenced against the company except by leave of the Court and subject to such terms as the Court imposes.

(3) The Court may require any contributory, trustee, receiver, banker, agent, or officer of the company to pay, deliver, convey, surrender or transfer forthwith or within such time as the Court directs to the liquidator any money, property or books and papers in his hands to which the company is *prima facie* entitled.

*Subdivision (4)—Provisions applicable to every Voluntary
Winding Up*

Distribution
of property
of company.

U.K. s. 302.
N.S.W. s. 282.
Vic. s. 205.
Qsld. s. 253.
S.A. s. 264.
W.A. s. 253.
Tas. s. 216.

264. Subject to the provisions of this Act as to preferential payments, the property of a company shall, on its winding up, be applied in satisfaction of its liabilities equally, and subject to that application shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company.

Appoint-
ment of
liquidator.

U.K. s. 304.
N.S.W. s. 284.
Vic. s. 206.
Qsld. s. 255.
S.A. s. 266 (1).
W.A. s. 255.
Tas. s. 217.

265. If from any cause there is no liquidator acting, the Court may appoint a liquidator.

Removal of
liquidator.

U.K. s. 304.
N.S.W. s. 284.
Vic. s. 206.
S.A. s. 266 (2).
Qsld. s. 255.
W.A. s. 255.
Tas. s. 217.

266. The Court may on cause shown remove a liquidator and appoint another liquidator.

Review of
liquidator's
remuneration.

N.S.W. s. 311.
Vic. s. 206.
Tas. s. 217.

267. Any member or creditor or the liquidator may at any time before the dissolution of the company apply to the Court to review the amount of the remuneration of the liquidator, and the decision of the Court shall be final and conclusive.

s. 264. In *re* THE MALAKOFF GOLD MINING COMPANY NO LIABILITY (1884) 18 S.A.L.R. 20. In *re* ROYAL MINT AND IRON KING GOLD MINING Co. NO LIABILITY 13th November, 1895, S.A. *Advertiser* (newspr.). Held, in both cases (under the Companies Act, 1864), that in winding up a no-liability company the surplus assets should be distributed amongst the shareholders in proportion to the contribution per share that shareholders made to the capital.

In *re* FEDERAL BANK OF AUSTRALIA, 8th September, 1894, S.A. *Register* (newspr.); 3 Austn. Digest 1066. Held that South Australian legislation does not affect the rights of foreign creditors as compared with local creditors to share in the distribution of the assets of a banking company being wound up in South Australia.

In *re* THE IVANHOE SOUTH EXTENDED GOLD MINING COMPANY (1900) S.A.L.R. 53. Held that a provision in the articles providing that on a winding-up surplus assets should be distributed among the members in proportion to the number of shares held by them without regard to the amount paid up, and that in ascertaining surplus assets no deduction should be made for repayment of paid up capital, was valid.

In *re* THE ROYAL MINT AND IRON KING GOLD MINING COMPANY (1900) S.A.L.R. 58. Held that in the winding up of a no-liability company under the Companies Act, 1892, the surplus assets should be applied in repayment of capital contributed, and any residue should be divided between the shareholders in proportion to the number of shares held, irrespective of the amounts paid up.

RYAN v. EDNA MAY JUNCTION GOLD MINING COMPANY NO LIABILITY (1916) 21 C.L.R. 487; 22 A.L.R. 222; 3 Austn. Digest 906. Where the notice of the meeting called to consider winding-up failed to state the special reason for winding-up, upon which the mode of distribution of the surplus assets depended, held that the assets should be distributed as if the special reason did not exist.

SOUTHERN CROSS ASSURANCE COMPANY LIMITED v. SHAREHOLDERS' PROTECTION ASSOCIATION LIMITED AND ANOTHER (1935) S.A.S.R. 50. [Leave to appeal to High Court refused (1935) 54 C.L.R. 709.] *Quære* whether a judgment for damages for libel and maintenance would be a liability within the meaning of section 152 of the Companies Act, 1892.

268. (1) The acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

(2) Any conveyance, assignment, transfer, mortgage, charge or other disposition of a company's property made by a liquidator shall, notwithstanding any defect or irregularity affecting the validity of the winding up or the appointment of the liquidator, be valid in favour of any person taking such property *bona fide* and for value and without notice of such defect or irregularity.

(3) Every person making or permitting any disposition of property to any liquidator shall be protected and indemnified in so doing notwithstanding any defect or irregularity affecting the validity of the winding up or the appointment of the liquidator not then known to such person.

(4) For the purposes of this section a disposition of property shall be taken as including a payment of money.

269. (1) The liquidator may—

- (a) in the case of a members' voluntary winding up, with the approval of a special resolution of the company and, in the case of a creditors' voluntary winding up, with the approval of the Court or the committee of inspection or, if there is no such committee, a meeting of creditors, exercise any of the powers given by paragraphs (b) (c) and (d) of subsection (1) of section 236 to a liquidator in a winding up by the Court ;
- (b) exercise any of the other powers by this Act given to the liquidator in a winding up by the Court ;
- (c) exercise the power of the Court under this Act of settling a list of contributories, and the list of contributories shall be *prima facie* evidence of the liability of the persons named therein to be contributories ;
- (d) exercise the power of the Court of making calls ;
- (e) exercise the power of the Court of fixing a time within which debts and claims must be proved ; or
- (f) summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution in respect of any matter or for any other purpose he thinks fit.

(2) The liquidator shall pay the debts of the company and adjust the rights of the contributories among themselves.

Powers and
duties of
liquidator.
U.K. s. 303.
N.S.W. s. 283.
Vic. s. 207.
Qsld. s. 254.
S.A. s. 265.
W.A. s. 254.
Tas. s. 218.

s. 269. In *re* MURRAY ENGINEERING COMPANY LIMITED (1925) S.A.S.R. 330; 3 Austrn. Digest 1020. Explanation of the meaning of "settling" the list of contributories. The settling must be carried out at a definite and stated time and place when the alleged contributories are to have an opportunity of showing cause.

(3) When several liquidators are appointed, any power given by this Act may be exercised by such one or more of them as is determined at the time of their appointment, or in default of such determination by any number not less than two.

Power of liquidator to accept shares etc., as consideration for sale of property of company.

U.K. ss. 237
295.
N.S.W. s. 260.
Vic. s. 208.
Qld. ss. 240.
249.
S.A. ss. 251,
260.
W.A. ss. 240,
249.
Tas. s. 219.

270. (1) Where it is proposed that the whole or part of the business or property of a company (in this section called "the company") be transferred or sold to another corporation (in this section called "the corporation"), the liquidator of the company, may, with the sanction of a special resolution of the company conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive in compensation or part compensation for the transfer or sale, shares, debentures, policies or other like interests in the corporation for distribution among the members of the company, or may enter into any other arrangement whereby the members of the company may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the corporation, and any such transfer, sale or arrangement shall be binding on the members of the company.

(2) If any member of the company who did not vote in favour of the special resolution expresses his dissent therefrom in writing addressed to the liquidator and left at the registered office of the liquidator within seven days after the passing of the resolution, he may require the liquidator either to abstain from carrying the resolution into effect or to purchase his interest at a price to be determined by agreement or by arbitration in manner provided by this section.

(3) If the liquidator elects to purchase the member's interest the purchase money shall be paid before the company is dissolved and be raised by the liquidator in such manner as is determined by special resolution.

(4) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for voluntary winding up or for appointing liquidators, but if an order for winding up the company by the Court is made within a year after the passing of the resolution, the resolution shall not be valid unless sanctioned by the Court.

(5) For the purposes of an arbitration under this section the Arbitration Act, 1891-1934, shall apply as if there were a submission for reference to two arbitrators, one to be appointed by each party; and the appointment of an arbitrator may be made under the hand of the liquidator, or if there is more than

s. 270. In *re* F. H. RING & CO. LIMITED (1924) S.A.S.R. 138; 3 Austn. Digest 643. Section 173 of the Companies Act, 1892, did not empower a company to make an arrangement whereby individual shareholders would be bound to accept liabilities in other companies.

one liquidator then under the hands of any two or more of the liquidators; and the Court may give any directions necessary for the initiation and conduct of the arbitration and such direction shall be binding on the parties.

(6) In the case of a creditors' voluntary winding up the powers of the liquidator under this section shall not be exercised except with the approval of the Court or the committee of inspection.

271. (1) If the winding up continues for more than one year, the liquidator shall summon a general meeting of the company in the case of a members' voluntary winding up, and of the company and the creditors in the case of a creditors' voluntary winding up, at the end of the first year after the commencement of the winding up and of each succeeding year or not more than three months thereafter, and shall lay before the meeting an account of his acts and dealings and of the conduct of the winding up during the preceding year.

Annual meeting of creditors.
U.K. ss. 289, 299.
N.S.W. ss. 270, 279.
Vic. s. 209.
Qsld. s. 241.
S.A. ss. 252, 261.
W.A. s. 250.
Tas. s. 220.

(2) The liquidator shall cause the notices of the meeting of creditors to be sent by post to the creditors simultaneously with the sending of the notices of the meeting of the company.

(3) Every liquidator who fails to comply with this section shall be guilty of an offence against this Act.

Penalty: One hundred pounds. Default penalty.

272. (1) As soon as the affairs of the company are fully wound up, the liquidator shall make up an account showing how the winding up has been conducted and the property of the company has been disposed of, and thereupon shall call a general meeting of the company, or in the case of a creditors' voluntary winding up a meeting of the company and the creditors, for the purpose of laying before it the account and giving any explanation thereof.

Final meeting and dissolution.
U.K. ss. 290, 300.
N.S.W. ss. 271, 280.
Vic. s. 210.
Qsld. s. 242.
S.A. ss. 253, 262.
W.A. s. 251.
Tas. s. 221.

(2) The meeting shall be called by advertisement published in the *Government Gazette* and in a daily newspaper circulating generally throughout the State which advertisement shall specify the time, place and object of the meeting and shall be published one month at least before the meeting.

(3) The liquidator shall within seven days after the meeting lodge with the Registrar a return in the prescribed form of the holding of the meeting and of its date with a copy of the account attached to such return, and if the return or copy of the account is not so lodged the liquidator shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

(4) The quorum at a meeting of the company shall be two and at a meeting of the company and the creditors shall be two

members and two creditors and if the quorum is not present at the meeting, the liquidator shall in lieu of the return mentioned in subsection (3) of this section lodge a return in the prescribed form (with account attached) that the meeting was duly summoned and that no quorum was present thereat, and upon such a return being lodged the provisions of subsection (3) of this section as to the lodging of the return shall be deemed to have been complied with.

(5) On the expiration of three months after the lodging of the return with the Registrar the company shall, by force of this section, be dissolved.

(6) Notwithstanding the provisions of subsection (5) of this section the Court may on the application of the liquidator or of any other person who appears to the Court to be interested make an order deferring the date at which the dissolution of the company is to take effect for such time as the Court thinks fit.

(7) The person on whose application an order of the Court under this section is made shall within fourteen days after the making of the order lodge with the Registrar an office copy of the order, and if he fails so to do he shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(8) If the liquidator fails to call a meeting as required by this section he shall be guilty of an offence against this Act.

Penalty : One hundred pounds. Default penalty.

Arrangement
when binding
on creditors.

U.K. s. 306.
N.S.W. s. 285.
Vic. s. 211.
Qsld. s. 257.
S.A. s. 268.
W.A. s. 257.
Tas. s. 222.

273. (1) Any arrangement entered into between a company about to be, or in the course of being, wound up and its creditors shall, subject to the right of appeal under this section, be binding on the company if sanctioned by a special resolution, and on the creditors if acceded to by three-fourths in value and one-half in number of the creditors, every creditor for under ten pounds being reckoned in value only.

(2) A creditor shall be accounted a creditor for value for such sum as upon an account fairly stated, after allowing the value of security or liens held by him and the amount of any debt or set-off owing by him to the debtor, appears to be the balance due to him.

(3) Any dispute with regard to the value of any such security or lien or the amount of such debt or set-off may be settled by the Court on the application of the company, the liquidator, or the creditor.

(4) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the Court against it, and the Court may thereupon as it thinks just amend, vary or confirm the arrangement.

274. (1) The liquidator or any contributory or creditor may apply to the Court—

- (a) to determine any question arising in the winding up of a company ; or
- (b) to exercise all or any of the powers which the Court might exercise if the company were being wound up by the Court.

Application to Court to have questions determined or powers exercised.

U.K. s. 307.
N.S.W. s. 286.
Vic. s. 212.
S.A. s. 269.
Qsld. s. 258.
Tas. s. 223.

(2) The Court, if satisfied that the determination of the question or the exercise of power will be just and beneficial, may accede wholly or partially to any such application on such terms and conditions as it thinks fit or may make such other order on the application as it thinks just.

275. (1) All proper costs, charges and expenses of and incidental to the winding up including the remuneration of the liquidator shall be payable out of the assets of the company in priority to all other claims.

Costs.

U.K. s. 309.
N.S.W. s. 287.
Vic. s. 213.
Qsld. s. 259.
S.A. s. 270.
W.A. s. 259.
Tas. s. 224.

(2) The costs and expenses of winding up include—

- (a) the costs and fees of any solicitor retained by the company ; and
- (b) such fees of any registered company auditor retained by the company as are fixed by the Board,

for such services as are rendered by that solicitor or auditor preparatory to, in the course of, and incidental to, the winding up of the company.

276. Where a petition has been presented to the Court to wind up a company on the ground that it is unable to pay its debts the company shall not, without the leave of the Court, resolve that it be wound up voluntarily.

Limitation on right to wind up voluntarily.

s. 274. *INGLEWOOD MINING VENTURE LIMITED v. PRICE* (1872) 6 S.A.L.R. 2; 3 Austn. Digest 1029. Held that the purpose of the section is to enable the help of the court to be invoked if difficulties arise and that the section does not deprive the liquidator of his right to bring an action for unpaid calls.

In the matter of the *COMMERCIAL BANK OF SOUTH AUSTRALIA LIMITED IN LIQUIDATION* (1889) 23 S.A.L.R. 102; 3 Austn. Digest 1044. The rule as to the appearance of parties on applications by liquidators applies only to litigious proceedings, and not to administrative proceedings where the liquidators are seeking advice from a judge before taking action.

In *re GOLDEN BUTTERFLY GOLD MINING COMPANY NO LIABILITY* (1916) S.A.L.R. 177. The principles on which the court should order a stay of proceedings in a voluntary winding-up explained.

SOUTHERN CROSS ASSURANCE COMPANY LIMITED v. SHAREHOLDERS' PROTECTION ASSOCIATION (1935) S.A.S.R. 50. Where there was a possibility that the assets of the company might be sufficient to pay the possible debts, the court ordered that an order under section 154 of the Companies Act, 1892, staying action against company in liquidation, be set aside.

DIVISION IV.—PROVISIONS APPLICABLE TO EVERY MODE OF
WINDING UP.

Subdivision (1)—General.

Books to be kept by liquidator.

U.K. s. 247.
N.S.W. s. 233.
Vic. s. 176.
Qsld. s. 203.
S.A. s. 215.
W.A. s. 205.
Tas. s. 181.

277. Every liquidator shall keep proper books in which he shall cause to be made entries or minutes of proceedings at meetings and of such other matters as are prescribed, and any creditor or contributory may, subject to the control of the Court, personally or by his agent inspect them.

Control of Court over liquidators.

U.K. s. 250.
N.S.W. ss. 235, 236.
Vic. s. 179.
Qsld. s. 206.
S.A. s. 218.
W.A. s. 208.
Tas. s. 184.

278. (1) The Court shall take cognizance of the conduct of liquidators, and if a liquidator does not faithfully perform his duties and observe the prescribed requirements or the requirements of the Court or if any complaint is made to the Court by any creditor or contributory or by the Board in regard thereto, the Court shall inquire into the matter and take such action as it thinks fit.

(2) The Registrar or the Board may report to the Court any matter which in his or its opinion is a misfeasance, neglect or omission on the part of the liquidator and the Court may order the liquidator to make good any loss which the estate of the company has sustained thereby and make such other order as it thinks fit.

(3) The Court may at any time require any liquidator to answer any inquiry in relation to the winding up and may examine him or any other person on oath concerning the winding up and may direct an investigation to be made of the books and vouchers of the liquidator.

Appeal against decision of liquidator.

N.S.W. s. 232 (5).
Vic. s. 175 (5).
S.A. s. 303.

279. Any person aggrieved by any act or decision of the liquidator may apply to the Court which may confirm, reverse or modify the act or decision complained of and make such order as it thinks just.

Notice of appointment and address of liquidator.

U.K. s. 305.
N.S.W. s. 294.
Vic. s. 206.
Qsld. s. 256.
S.A. ss. 210 (6), 267.
W.A. s. 256.
Tas. s. 217.

280. (1) A liquidator shall, within fourteen days after his appointment, lodge with the Registrar notice in the prescribed form of his appointment and of the situation of his office and, in the event of any change in the situation of his office, shall within fourteen days after the change lodge with the Registrar notice in the prescribed form of the change.

(2) A liquidator shall, within fourteen days after his resignation or removal from office, lodge with the Registrar notice thereof in the prescribed form.

(3) If a liquidator fails to comply with any of the provisions of this section he shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

Liquidator's
accounts.
U.K. s. 249.
N.S.W. s. 316.
Vic. ss. 178,
232.
Qsld. s. 205.
S.A. ss. 217,
298.
W.A. s. 207.
Tas. s. 183.

281. (1) Every liquidator shall, within one month after the expiration of the period of six months from the date of his appointment and every subsequent period of six months and in any case within one month after he ceases to act as liquidator and forthwith after obtaining an order of release, lodge with the Registrar in the prescribed form and verified by statutory declaration an account of his receipts and payments during each such period of six months, or, where he ceases to act as liquidator or obtains an order of release, during the period from the end of the period to which the last preceding account related or from the date of his appointment, as the case requires, up to the date of his so ceasing or obtaining such order, together with a statement of the position in the winding up.

Penalty : Fifty pounds. Default penalty.

(2) The Registrar may cause the account to be audited by a registered company auditor, and for the purpose of the audit the liquidator shall furnish the auditor with such vouchers and information as he requires, and the auditor may at any time require the production of and inspect any books or accounts kept by the liquidator.

(3) A copy of the account or, if audited, a copy of the audited account shall be kept by the liquidator and the copy shall be open to the inspection of any creditor or of any person interested at the office of the liquidator.

(4) The liquidator shall—

(a) give notice that the account has been made up to every creditor and contributory when next forwarding any report, notice of meeting, notice of call or dividend ; and

(b) in such notice inform creditors and contributories at what address and between what hours the account may be inspected.

(5) The costs of an audit under this section shall be fixed by the Board and be part of the expenses of winding up.

282. (1) If any liquidator who has made any default in lodging or making any application, return, account or other document, or in giving any notice which he is by law required to lodge, make or give, fails to make good the default within fourteen days after the service on him of a notice requiring him to do so, the Court may, on the application of any contributory or creditor of the company or the Registrar, make an order directing the liquidator to make good the default within such time as is specified in the order.

Liquidator to
make good
defaults.
U.K. s. 387.
N.S.W. s. 312.
Vic. s. 229.
Qsld. s. 288.
S.A. s. 294.
W.A. s. 285.
Tas. s. 240.

(2) Any order made under subsection (1) of this section may provide that all costs of and incidental to the application shall be borne by the liquidator.

PART X.

DIVISION IV.

(3) Nothing in subsection (1) of this section shall prejudice the operation of any enactment imposing penalties on a liquidator in respect of any such default.

Notification that a company is in liquidation.

U.K. s. 338,
N.S.W. s. 313,
Vic. s. 230,
Qsld. s. 289,
S.A. s. 295,
W.A. s. 286,
Tas. s. 241.

283. (1) Where a company is being wound up every invoice, order for goods or business letter issued by or on behalf of the company or a liquidator of the company or a receiver or manager of the property of the company, being a document on or in which the name of the company appears, shall have the words "in liquidation" added after the name of the company where it first appears therein.

(2) If default is made in complying with this section, the company, and every officer of the company or liquidator and every receiver or manager who knowingly and wilfully authorizes or permits the default, shall be guilty of an offence against this Act.

Penalty : Twenty pounds.

Books of company.

U.K. ss. 340,
341,
N.S.W. ss. 314,
315,
Vic. s. 231,
Qsld., ss. 290,
291,
S.A. ss. 296,
297,
W.A. ss. 287,
288,
Tas. s. 242.

284. (1) Where a company is being wound up, all books and papers of the company and of the liquidator that are relevant to the affairs of the company at or subsequent to the commencement of the winding up of the company shall as between the contributories of the company be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

(2) When a company has been wound up the liquidator shall retain the books and papers referred to in subsection (1) of this section for a period of five years from the date of dissolution of the company and at the expiration of that period may destroy them.

Penalty : One hundred pounds.

(3) Notwithstanding subsection (2) of this section, when a company has been wound up, the books and papers referred to in subsection (1) of this section may, if the Court so orders, be destroyed within a period of five years after the dissolution of the company.

(4) No responsibility shall rest on the company or the liquidator by reason of any such book or paper not being forthcoming to any person claiming to be interested therein if such book or paper has been destroyed in accordance with the provisions of this section.

Investment of surplus funds on general account.

U.K. s. 361,
Vic. s. 233,
Tas. s. 244.

285. (1) Whenever the cash balance standing to the credit of any company in liquidation is in excess of the amount which, in the opinion of the committee of inspection, or, if there is no committee of inspection, of the liquidator, is required for the time being to answer demands in respect of the estate of the company, the liquidator, if so directed in writing by the committee of inspection, or, if there is no committee of inspection,

the liquidator himself, may, unless the Court on application by any creditor thinks fit to direct otherwise and so orders, invest the sum or any part thereof in securities issued by the Government of the Commonwealth or a State or place it on deposit at interest with any bank, and any interest received in respect thereof shall form part of the assets of the company.

(2) Whenever any part of the money so invested is, in the opinion of the committee of inspection, or, if there is no committee of inspection, of the liquidator, required to answer any demands in respect of the company's estate, the committee of inspection may direct, or, if there is no committee of inspection, the liquidator may arrange for, the sale or realization of such part of the securities as is necessary.

286. (1) Where a liquidator has in his hands or under his control—

(a) any unclaimed dividend or other moneys which have remained unclaimed for more than six months from the date when the dividend or other moneys became payable ; or

(b) after making a final distribution, any unclaimed or undistributed moneys arising from the property of the company,

he shall forthwith pay those moneys to the Registrar to be placed to the credit of an account to be kept by the Registrar and called the "Companies Liquidation Account" and shall be entitled to the prescribed certificate of receipt for the money so paid and that certificate shall be an effectual discharge to him in respect thereof.

(2) The Court may at any time on the application of the Registrar order any liquidator to submit to it an account of any unclaimed or undistributed funds, dividends or other moneys in his hands or under his control verified by affidavit and may direct an audit thereof and may direct him to pay those moneys to the Registrar to be placed to the credit of the Companies Liquidation Account.

(3) The Registrar may invest the whole or part of the moneys standing to the credit of the Companies Liquidation Account in the purchase of Government debentures or stock, or otherwise, and the Treasurer may direct what percentage of the interest arising from the investment of the moneys standing to the credit of that account shall be paid into the Consolidated Revenue to recoup any necessary expenses, and the remainder of the interest shall be paid to the credit of the account.

(4) For the purposes of this section the Court may exercise all the powers conferred by this Act with respect to the discovery and the realization of the property of the company and

Unclaimed
assets.

U.K. s. 343.
N.S.W. s. 317.
Vic. s. 234.
Qsld. s. 293.
S.A. s. 299.
W.A. s. 290.
Tas. s. 245.

the provisions of this Act with respect thereto shall, with such adaptations as are prescribed, apply to proceedings under this section.

(5) The provisions of this section shall not, except as expressly declared in this Act, deprive any person of any other right or remedy to which he is entitled against the liquidator or any other person.

(6) If any claimant makes any demand against the Registrar for any money placed to the credit of the Companies Liquidation Account, the Registrar, upon being satisfied that the claimant is entitled to the money, shall make an order for the payment thereof to be made to him out of the Account, or, if it has been paid into the Consolidated Revenue, the Treasurer of the State may direct payment of a like amount to be made out of moneys made available by Parliament for the purpose.

(7) Any person dissatisfied with the decision of the Registrar or the Treasurer in respect of a claim made in pursuance of subsection (6) of this section may appeal to the Court which may confirm, disallow or vary the decision.

(8) Where any unclaimed moneys paid to any claimant are afterwards claimed by any other person, the Registrar or the Treasurer shall not be responsible for the payment of the moneys but such person may have recourse against the claimant to whom the Registrar or the Treasurer has paid them.

(9) Any unclaimed moneys and any interest arising from the investment thereof paid to the credit of the Companies Liquidation Account to the extent to which the moneys have not been under this section paid out of the Account shall, on the lapse of six years from the date of the payment of the moneys to the credit of the Account, be paid in to the Consolidated Revenue.

287. (1) Unless expressly directed to do so by the Registrar, a liquidator shall not be liable to incur any expense in relation to the winding up of a company unless there are sufficient available assets.

(2) The Registrar may, on the application of a creditor or a contributory, direct a liquidator to incur a particular expense on condition that the creditor or contributory indemnifies the liquidator in respect of the recovery of the amount expended and, if the Registrar so directs, gives such security to secure the amount of the indemnity as the Registrar thinks reasonable.

288. Subject to subsection (9) of section 260, where a resolution is passed at an adjourned meeting of any creditors or contributories of a company, the resolution shall for all purposes be treated as having been passed on the date on which it was in fact passed and not on any earlier date.

Expenses of winding up where assets insufficient.
N.S.W. s. 316
Vic. s. 235.
S.A. s. 333.
Tas. s. 246.

Resolutions passed at adjourned meetings of creditors and contributories.
U.K. s. 345.
N.S.W. s. 318.
Vic. s. 236.
Qsld. s. 294.
S.A. s. 300.
W.A. s. 291.
Tas. s. 247.

PART X.

DIVISION IV.

289. (1) The Court may as to all matters relating to the winding up of a company have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks fit for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held and conducted in such manner as the Court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the Court.

Meetings to ascertain wishes of creditors or contributories.

U.K. s. 346.
N.S.W. s. 319.
Vic. s. 237.
Qsld. s. 295.
S.A. s. 301.
W.A. s. 292.
Tas. s. 248.

(2) In the case of creditors regard shall be had to the value of each creditor's debt.

(3) In the case of contributories regard shall be had to the number of votes conferred on each contributory by this Act or the articles.

290. (1) The Court may appoint commissioners, either generally or for any specific matter, for the purpose of taking evidence under this Part, and the Court may refer the whole or any part of the examination of any witnesses under this Part to any person so appointed commissioner.

Special commission for receiving evidence.

U.K. s. 348.
Vic. s. 238.
S.A. s. 302.
W.A. s. 293.
Tas. s. 249.

(2) Every commissioner shall have in the matter so referred to him the same powers as the Court of summoning and examining witnesses, of requiring the production or delivery of documents, of punishing defaults by witnesses, and of allowing costs, charges and expenses to witnesses.

(3) Unless otherwise ordered by the Court the taking of evidence by commissioners shall be in open court and shall be open to the public.

(4) The examination so taken shall be returned or reported to the Court in such manner as the Court directs.

Subdivision (2)—Proof and Ranking of Claims.

291. (1) In every winding up, subject in the case of insolvent companies to the application in accordance with the provisions of this Act of the law of the Commonwealth relating to bankruptcy, all debts payable on a contingency and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the company, a just estimate being made so far as possible of the value of such debts or claims as are subject to any contingency or sound only in damages or for some other reason do not bear a certain value.

Proof of debts.

U.K. ss. 316
317.
N.S.W. s. 295,
296.
Vic. s. 215.
Qsld. ss. 270,
272.
S.A. ss. 277
278,
W.A. ss. 268,
269.
Tas. s. 226.

(2) Subject to section 292, in the winding up of an insolvent company the same rules shall prevail and be observed with

s. 239. In *re* FEDERAL BANK OF AUSTRALIA, 2nd March, 1895, S.A. *Advertiser* (newspr.); 3 Austr. Digest 1059. Where the South Australian liquidation of a company is ancillary to the principal liquidation, held (under the Companies Act, 1892) that the wishes of all the creditors must be considered.

s. 291. (2) (Formerly Supreme Court Act, 1878, section 6 (1).) In *re* MILLIGEN'S LIMITED 1934) S.A.S.R. 72. Sections 92 and 93 of the Commonwealth Bankruptcy Act, 1924, are not imported into the winding-up of a company under this section.

regard to the respective rights of secured and unsecured creditors and debts provable and the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of the Commonwealth relating to bankruptcy in relation to the estates of bankrupt persons, and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up and make such claims against the company as they respectively are entitled to by virtue of this section.

Priorities.

U.K. s. 819.
N.S.W. s. 297
Vic. s. 216.
Qld. ss. 274
274A.
S.A. s. 279.
W.A. s. 271.
Tas. s. 227.

292. (1) Subject to the provisions of this Act, in a winding up there shall be paid in priority to all other unsecured debts—

- (a) firstly, the costs and expenses of the winding up including the taxed costs of a petitioner payable under section 224, the remuneration of the liquidator and the costs of any audit carried out pursuant to section 281 ;
- (b) secondly, all wages or salary (whether or not earned wholly or in part by way of commission not being an overriding commission) including any amount payable by way of allowance or reimbursement under any contract of employment or award or agreement regulating conditions of employment, of any employee not exceeding Five hundred pounds whether for time or piecework in respect of services rendered by him to the company within a period of six months before the commencement of the winding up ;
- (c) thirdly, all amounts due in respect of workmen's compensation under the Workmen's Compensation Act, 1932, as amended, and accrued before the commencement of the winding up ;
- (d) fourthly, all remuneration payable to any employee in respect of annual leave or long service leave or sick leave or all three, or in the case of his death to any other person in his right, accrued in respect of any period before the commencement of the winding up ; and

s. 292. In *re* COMMONWEALTH AGRICULTURAL SERVICE ENGINEERS LIMITED (1928) S.A.S.R. 342; 3 Austn. Digest 874; 6 Austn. Digest 51, 52. Held under the Companies Act, 1892, that debts due to the Department of Agriculture and to the Railways Commissioner and to the Governments of other Australian States took priority in winding-up as debts due to the Crown. Effect of a debenture covering assets of company in another State, and registered in South Australia, but not in the other State, considered.

In *re* MILLIGEN'S LIMITED (1934) S.A.S.R. 72. Held (on the construction of sections 151, 152, and 170 of the Companies Act, 1892), that claims properly incurred by a liquidator in the course of a winding-up have priority over claims arising before the liquidation, except secured debts and Crown debts. Crown debts have priority over all other unsecured debts.

(e) fifthly, the amount of all municipal or other local rates due from the company at the date of the commencement of the winding up and having become due and payable within the twelve months next preceding that date, the amount of all land tax and income tax assessed under any Act or Act of the Commonwealth before the date of the commencement of the winding up and not exceeding in the whole one year's assessment; and any amount due and payable by way of repayment of any advance made to the company, or in payment of any amount owing by the company for goods supplied or services rendered to it under any Act or Act of the Commonwealth or law of a Territory of the Commonwealth relating to or providing for the improvement, development or settlement of land or the aid, development or encouragement of mining.

(2) The debts in each class specified in subsection (1) of this section shall rank equally between themselves, and shall be paid in full, unless the property of the company is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Where any payment has been made to any employee of the company on account of wages, salary, annual leave or long service leave out of money advanced by a person for that purpose, the person by whom the money was advanced shall, in a winding up, have a right of priority in respect of the money so advanced and paid, up to the amount by which the sum in respect of which the employee would have been entitled to priority in the winding up has been diminished by reason of the payment, and shall have the same right of priority in respect of that amount as the employee would have had if the payment had not been made.

(4) So far as the assets of the company available for payment of general creditors are insufficient to meet any preferential debts specified in paragraphs (b) and (d) of subsection (1) of this section and any amount payable in priority by virtue of subsection (3) of this section, those debts shall have priority over the claims of the holders of debentures under any floating charge created by the company, and shall be paid accordingly out of any property comprised in or subject to that charge.

(5) Where the company is under a contract of insurance (entered into before the commencement of the winding up) insured against liability to third parties, then if any such liability is incurred by the company (either before or after the commencement of the winding up) and an amount in respect of that liability is or has been received by the company or the

liquidator from the insurer, the amount shall, after deducting any expenses of or incidental to getting in such amount, be paid by the liquidator to the third party in respect of whom the liability was incurred to the extent necessary to discharge that liability or any part of that liability remaining undischarged in priority to all payments in respect of the debts referred to in subsection (1) of this section.

(6) If the liability of the insurer to the company is less than the liability of the company to the third party nothing in subsection (5) of this section shall limit the rights of the third party in respect of the balance.

(7) The provisions of subsection (5) and subsection (6) of this section shall have effect notwithstanding any agreement to the contrary entered into after the commencement of this Act.

(8) Notwithstanding anything in subsection (1) of this section—

(a) paragraph (c) of that subsection shall not apply in relation to the winding up of a company in any case where the company is being wound up voluntarily merely for the purpose of reconstruction or of amalgamation with another company and the right to the compensation has on the reconstruction or amalgamation been preserved to the person entitled thereto, or where the company has entered into a contract with an insurer in respect of any liability under any law relating to workmen's compensation ; and

(b) where a company has given security for the payment or repayment of any amount to which paragraph (e) of that subsection relates, that paragraph shall apply only in relation to the balance of any such amount remaining due after deducting therefrom the net amount realized from such security.

(9) Where in any winding up assets have been recovered under an indemnity for costs of litigation given by certain creditors, or have been protected or preserved by the payment of moneys or the giving of indemnity by creditors, or where expenses in relation to which a creditor has indemnified a liquidator, have been recovered, the Court may make such order as it deems just with respect to the distribution of those assets and the amount of those expenses so recovered with a view to giving those creditors an advantage over others in consideration of the risk run by them in so doing.

Subdivision (3)—Effect on other Transactions.

293. (1) Any transfer, mortgage, delivery of goods, payment execution or other act relating to property made or done by or against a company which, had it been made or done by or against an individual, would in his bankruptcy be void or voidable shall, in the event of the company being wound up, be void or voidable in like manner.

Undue preference.
U.K. s. 320.
N.S.W. s. 298.
Vic. s. 217.
Qsld. s. 275.
S.A. s. 281.
W.A. s. 273.
Tas. s. 228.

(2) For the purposes of this section the date which corresponds with the date of presentation of the bankruptcy petition in the case of an individual shall be—

(a) in the case of a winding up by the Court—

(i) the date of the presentation of the petition ;

or

(ii) where before the presentation of the petition a resolution has been passed by the company for voluntary winding up, the date upon which the resolution to wind up the company voluntarily is passed,

whichever is the earlier ; and

(b) in the case of a voluntary winding up, the date upon which the resolution to wind up the company voluntarily is passed.

(3) Any transfer or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void.

294. A floating charge on the undertaking or property of the company created within six months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid except to the amount of any cash paid to the company at the time of or subsequently to the creation of and in consideration for the charge together with interest on that amount at the rate of five per centum per annum.

Effect of floating charge.
U.K. s. 322.
Vic. s. 218.
Qsld. s. 276.
S.A. s. 282.
W.A. s. 275.
Tas. s. 229.

s. 293. *MICHELL AND OTHERS v. BOOTH AND ANOTHER* (1928) S.A.S.R. 367; 3 *Austn. Digest* 1048, 1051. Where the directors of a company, knowing that the company was unable to pay its debts, allowed moneys due by the company to be appropriated to the balance of calls outstanding in respect of certain shares of the company held by the creditors, it was held that a fraudulent preference had been made. Nature of fraudulent preference discussed.

s. 294. In *re CHARLES ATKINS & COMPANY LIMITED—VERGO BUILDINGS LIMITED v. C.A. & CO. LIMITED* (1929) S.A.S.R. 129; 3 *Austn. Digest* 867. Where the trust deed was registered more than six months before liquidation, but the debentures within six months before liquidation, held that the debentures were not invalidated.

In *re TYRRELL'S LIMITED* (1929) S.A.S.R. 450; 3 *Austn. Digest* 874. Where an oral agreement for a charge over the company's assets was made more than six months before liquidation, and was followed by a debenture given within six months before liquidation—held (under section 17 of 1619 of 1924) that the debenture was void, and the oral charge was not revived by the invalidity.

PART X.

DIVISION IV.

Liquidator's
right to
recover in
respect of
certain sales
to or by
company.

295. (1) Where any property, business or undertaking has been acquired by a company for a cash consideration within a period of two years before the commencement of the winding up of the company—

- (a) from a person who was at the time of the acquisition a director of the company ; or
- (b) from a company of which, at the time of the acquisition a person was a director who was also a director of the first-mentioned company,

the liquidator may recover from the person or company from which the property, business or undertaking was acquired any amount by which the cash consideration for the acquisition exceeded the value of the property, business or undertaking at the time of its acquisition.

(2) Where any property, business or undertaking has been sold by a company for a cash consideration within a period of two years before the commencement of the winding up of the company—

- (a) to a person who was at the time of the sale a director of the company ; or
- (b) to a company of which at the time of the sale a person was a director who was also a director of the company first mentioned in this subsection,

the liquidator may recover from the person or company to which the property, business or undertaking was sold any amount by which the value of the property, business or undertaking at the time of the sale exceeded the cash consideration.

(3) For the purposes of this section, the value of the property, business or undertaking includes the value of any goodwill or profits which might have been made from the business or undertaking or similar considerations.

(4) In this section “cash consideration” means any consideration payable otherwise than by the issue of shares.

296. (1) Where any part of the property of a company consists of—

- (a) any estate or interest in land which is burdened with onerous covenants ;
- (b) shares or stock in corporations ;
- (c) unprofitable contracts ; or
- (d) any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money,

the liquidator of the company, notwithstanding that he has endeavoured to sell or has taken possession of the property or

Disclaimer
of onerous
property.

U.K. s. 323.
N.S.W. s. 300.
Vic. s. 219.
Qld. s. 277.
S.A. s. 283.
W.A. s. 276.
Tas. s. 230.

exercised any act of ownership in relation thereto, may, with the leave of the Court or the committee of inspection and subject to this section, by writing signed by him, at any time within twelve months after the commencement of the winding up or such extended period as is allowed by the Court or the committee disclaim the property; but where any such property has not come to the knowledge of the liquidator within one month after the commencement of the winding up, the power of disclaiming may be exercised at any time within twelve months after he has become aware thereof or such extended period as is allowed by the Court or the committee.

(2) 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, but shall not, except so far as is necessary for the purpose of releasing the company and the property of the company from liability, affect the rights or liabilities of any other person.

(3) The Court or committee, before or on granting leave to disclaim, may require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such other order in the matter as the Court or committee thinks just.

(4) The liquidator shall not be entitled to disclaim if an application in writing has been made to him by any person interested in the property requiring him to decide whether he will or will not disclaim, and the liquidator has not, within a period of twenty-eight days, after the receipt of the application or such further period as is allowed by the Court or the committee, given notice to the applicant that he intends to apply to the Court or the committee for leave to disclaim, and, in the case of a contract, if the liquidator after such an application in writing does not within that period or further period disclaim the contract, the liquidator shall be deemed to have adopted it.

(5) The Court may, on the application of a person who is, as against the liquidator, entitled to the benefit or subject to the burden of a contract made with the company, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise as the Court thinks just, and any damages payable under the order to that person may be proved by him as a debt in the winding up.

(6) The Court may, on the application of a person who either claims any interest in any disclaimed property or is under any liability not discharged by this Act in respect of any disclaimed property and on hearing such persons as it thinks fit, make an order for the vesting of the property in or the delivery

of the property to any person entitled thereto, or to whom it seems just that the property should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Court thinks just, and on any such vesting order being made and an office copy thereof being lodged with the Registrar and, if the order relates to land under The Real Property Act, 1886-1936, as amended, upon an office copy thereof being lodged with the Registrar-General and upon an entry of a memorandum thereof being made in the Register Book kept under that Act and on the duplicate grant or certificate of title, if any, or, if the order relates to any other land, upon an office copy thereof being lodged with the Registrar-General of Deeds, the property comprised therein shall vest accordingly in the person therein named in that behalf without any further conveyance or assignment.

(7) Notwithstanding anything in subsection (6) of this section, where the property disclaimed is of a leasehold nature the Court shall not make a vesting order in favour of any person claiming under the company, whether as under lessee or as mortgagee, except upon the terms of making that person—

- (a) subject to the same liabilities and obligations as those to which the company was subject under the lease in respect of the property at the commencement of the winding up ; or
- (b) if the Court thinks fit, subject only to the same liabilities and obligations as if the lease had been assigned to that person at that date,

and in either event, if the case so requires, as if the lease had comprised only the property comprised in the vesting order, and any mortgagee or under lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property, and, if there is no person claiming under the company who is willing to accept an order upon such terms, the Court may vest the estate and interest of the company in the property in any person liable personally or in representative character and either alone or jointly with the company to perform the lessee's covenants in the lease, freed and discharged from all estates, encumbrances and interest created therein by the company.

(8) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the company to the amount of the injury, and may accordingly prove the amount as a debt in the winding up.

Interpretation.
Vic. s. 221(3).
Qsld. ss. 278,
(3), 279 (3).
S.A. s. 284 (3).

297. For the purposes of section 298 and section 299,

“goods” includes all chattels personal ;

“sheriff” includes any officer charged with the execution of a writ or other process.

298. (1) Where a creditor has issued execution against the goods or land of a company or has attached any debt due to the company and the company is subsequently wound up, he shall not be entitled to retain the benefit of the execution or attachment against the liquidator unless he has completed the execution or attachment before the date of the commencement of the winding up, but—

Restriction of rights of creditor as to execution or attachment.

U.K. s. 325.
N.S.W. s. 301.
Vic. s. 220.
Qsld. s. 273.
S.A. s. 234 (1),
(2).
W.A. s. 277.
Tas. s. 231.

- (a) where any creditor has had notice of a meeting having been called at which a resolution for voluntary winding up is to be proposed, the date on which the creditor so had notice shall for the purposes of this section be substituted for the date of the commencement of the winding up ;
- (b) a person who purchases in good faith under a sale by the sheriff any goods of a company on which an execution has been levied shall in all cases acquire a good title to them against the liquidator ; and
- (c) the rights conferred by this subsection on the liquidator may be set aside by the Court in favour of the creditors to such extent and subject to such terms as the Court thinks fit.

(2) For the purposes of this section—

- (a) an execution against goods is completed by seizure and sale ;
- (b) an attachment of a debt is completed by receipt of the debt ; and
- (c) an execution against land is completed by sale or, in the case of an equitable interest, by the appointment of a receiver.

299. (1) Subject to the provisions of subsection (3) of this section, where any goods of a company are taken in execution and, before the sale thereof or the completion of the execution by the receipt or recovery of the full amount of the levy, notice is served on the sheriff that a provisional liquidator has been appointed or that a winding up order has been made or that a resolution for voluntary winding up has been passed, the sheriff shall, on being so required, deliver the goods and any money seized or received in part satisfaction of the execution to the liquidator, but the costs of the execution shall be a first charge on the goods or moneys so delivered, and the liquidator may sell the goods, or a sufficient part thereof, for the purpose of satisfying that charge.

Duties of sheriff as to goods taken in execution.

U.K. s. 326.
N.S.W. s. 302.
Vic. s. 221.
Qsld. s. 279.
S.A. s. 235.
W.A. s. 273.
Tas. s. 232.

(2) Subject to the provisions of subsection (3) of this section, where under an execution in respect of a judgment for a sum exceeding twenty pounds the goods of a company are sold or money is paid in order to avoid sale, the sheriff shall deduct the costs of the execution from the proceeds of the sale or the money paid and retain the balance for fourteen days ; and if within

PART X.

DIVISION IV.

that time notice is served on him of a petition for the winding up of the company having been presented or of a meeting having been called at which there is to be proposed a resolution for the voluntary winding up and an order is made or a resolution is passed for the winding up, the sheriff shall pay the balance to the liquidator who shall be entitled to retain it as against the execution creditor.

(3) The rights conferred by this section on the liquidator may be set aside by the Court in favour of the creditor to such extent and subject to such terms as the Court may think fit.

Subdivision (4)—Offences.

300. (1) Every person who, being a past or present officer of a company which is being wound up—

- (a) does not to the best of his knowledge and belief fully and truly discover to the liquidator all the property real and personal of the company, and how and to whom and for what consideration and when the company disposed of any part thereof, except such part as has been disposed of in the ordinary way of the business of the company ;
- (b) does not deliver up to the liquidator, or as he directs—
 - (i) all the real and personal property of the company in his custody or under his control and which he is required by law to deliver up ; or
 - (ii) all books and papers in his custody or under his control belonging to the company and which he is required by law to deliver up ;
- (c) within twelve months next before the commencement of the winding up or at any time thereafter—
 - (i) has concealed any part of the property of the company to the value of ten pounds or upwards, or has concealed any debt due to or from the company ;
 - (ii) has fraudulently removed any part of the property of the company to the value of ten pounds or upwards ;
 - (iii) has concealed, destroyed, mutilated or falsified, or has been privy to the concealment, destruction, mutilation or falsification of, any book or paper affecting or relating to the property or affairs of the company ;
 - (iv) has made or has been privy to the making of any false entry in any book or paper affecting or relating to the property or affairs of the company ;

Offences by officers of companies in liquidation.

U.K. s. 328.
N.S.W. s. 303.
Vic. s. 222.
Qsld. s. 280.
S.A. s. 286.
W.A. s. 279.
Tas. s. 233.

- (v) has fraudulently parted with, altered or made any omission in, or has been privy to fraudulent parting with, altering or making any omission in, any document affecting or relating to the property or affairs of the company ;
- (vi) by any false representation or other fraud, has obtained any property for or on behalf of the company on credit which the company has not subsequently paid for ;
- (vii) has obtained on credit, for or on behalf of the company, under the false pretence that the company is carrying on its business, any property which the company has not subsequently paid for ;
or
- (viii) has pawned, pledged or disposed of any property of the company which has been obtained on credit and has not been paid for, unless such pawning, pledging or disposing was in the ordinary way of the business of the company ;
- (d) makes any material omission in any statement relating to the affairs of the company ;
- (e) knowing or believing that a false debt has been proved by any person, fails for a period of one month to inform the liquidator thereof ;
- (f) prevents the production of any book or paper affecting or relating to the property or affairs of the company ;
- (g) within twelve months next before the commencement of the winding up or at any time thereafter, has attempted to account for any part of the property of the company by fictitious losses or expenses ; or
- (h) within twelve months next before the commencement of the winding up or at any time thereafter, has been guilty of any false representation or other fraud for the purpose of obtaining the consent of the creditors of the company or any of them to an agreement with reference to the affairs of the company or to the winding up,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years.

(2) It shall be a good defence to a charge under paragraph (a), (b) or (d) or sub-paragraph (i), (vii) or (viii) of paragraph (c) of subsection (1) of this section if the accused proves that he had no intent to defraud, and to a charge under paragraph (f)

or sub-paragraph (iii) or (iv) of paragraph (c) of subsection (1) of this section if he proves that he had no intent to conceal the state of affairs of the company or to defeat the law.

(3) Where any person pawns, pledges or disposes of any property in circumstances which amount to an offence under sub-paragraph (viii) of paragraph (c) of subsection (1) of this section every person who takes in pawn or pledge or otherwise receives the property knowing it to be pawned, pledged or disposed of in those circumstances shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years.

Inducement to
be appointed
liquidator.
U.K. s. 336,
Vic. s. 229 (2).
S.A. Rule
139 under
Companies Act,
1934.

301. (1) Any person who gives or agrees or offers to give to any member or creditor of a company any valuable consideration with a view of securing his own appointment or nomination, or to securing or preventing the appointment or nomination of some person other than himself, as the company's liquidator shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

Penalty for
falsification
of books.
U.K. s. 329,
N.S.W. s. 304,
Vic. s. 223,
Qsld. s. 281,
S.A. s. 287,
W.A. s. 270,
Tas. s. 234.

(2) Every officer or contributory of any company being wound up who destroys, mutilates, alters or falsifies any books, papers or securities, or makes or is privy to the making of any false or fraudulent entry in any register or book of account or document belonging to the company with intent to defraud or deceive any person shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years.

Frauds by
officers.
U.K. s. 330,
N.S.W. s. 305,
Vic. s. 224,
Qsld. s. 282,
S.A. s. 288,
W.A. s. 270,
Tas. s. 235.

302. Every person who, while an officer of a company which is subsequently ordered to be wound up by the Court or which subsequently passes a resolution for voluntary winding up—

- (a) has by false pretences or by means of any other fraud induced any person to give credit to the company ;
- (b) with intent to defraud creditors of the company, has made or caused to be made any gift or transfer of or charge on, or has caused or connived at the levying of any execution against, the property of the company ; or
- (c) with intent to defraud creditors of the company, has concealed or removed any part of the property of the company since, or within two months before, the date of any unsatisfied judgment or order for payment of money obtained against the company,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years.

Liability where proper accounts not kept.

U.K. s. 331.
N.S.W. s. 306.
Vic. s. 225.
Qsld. s. 233.
S.A. s. 289.
W.A. s. 230.
Tas. s. 236.

303. (1) If, on an investigation under any other Part or where a company is wound up, it is shown that proper books of account were not kept by the company throughout the period of two years immediately preceding the commencement of the investigation or winding up or the period between the incorporation of the company and the commencement of the investigation or winding up, whichever is the shorter, every person who is or was an officer of the company and who was knowingly a party to or had authorized or permitted the default by the company shall, unless he acted honestly and shows that, in the circumstances in which the business of the company was carried on, the default was excusable, be guilty of an offence against this Act.

Penalty : Imprisonment for one year or two hundred pounds.

(2) For the purposes of this section, proper books of account shall be deemed not to have been kept in the case of a company if—

(a) there have not been kept such books or accounts as are necessary to exhibit and explain the transactions and financial position of the trade or business of the company, including—

(i) books containing entries from day to day in sufficient detail of all cash received and cash paid ; and

(ii) where the trade or business has involved dealings in goods, statements of the annual stocktakings and (except in the case of goods sold by way of ordinary retail trade) of all goods sold and purchased, showing the goods and the buyers and sellers thereof in sufficient detail to enable those goods and those buyers and sellers to be identified ; or

(b) such books or accounts have not been kept in such manner as to enable them to be conveniently and properly audited, whether or not the company has appointed an auditor.

(3) If in the course of the winding up of a company it appears that an officer of the company who was knowingly a party to the contracting of a debt provable in the winding up had, at the time the debt was contracted, no reasonable or probable ground of expectation, after taking into consideration the other liabilities, if any, of the company at the time, of the company being able to pay the debt, the officer shall be guilty of an offence against this Act.

Liability for contracting debt which company had no reasonable expectation of paying.

Penalty : Imprisonment for three months or one hundred pounds.

PART X.

DIVISION IV.Responsibility
for fraudulent
trading.

U.K. s. 332.
N.S.W. s. 307.
Vic. s. 226.
Qsld. s. 284.
S.A. s. 290.
W.A. s. 281.
Tas. s. 237.

304. (1) If in the course of winding up it appears that any business of the company has been carried on with intent to defraud creditors of the company or creditors of any other person or for any fraudulent purpose, the Court on the application of the liquidator or any creditor or contributory of the company may if it thinks proper so to do declare that any person who was knowingly a party to the carrying on of the business in that manner shall be personally responsible, without any limitation of liability, for all or any of the debts or other liabilities of the company as the Court directs.

(2) Where the Court makes any declaration pursuant to subsection (1) of this section, it may give such further directions as it thinks proper for the purpose of giving effect to that declaration, and in particular may make provision for making the liability of any person under the declaration a charge on any debt or obligation due from the company to him, or on any charge or any interest in any charge on any assets of the company held by or vested in him or any corporation or person on his behalf, or any person claiming as assignee from or through the person liable or any corporation or person acting on his behalf, and may from time to time make such further order as is necessary for the purpose of enforcing any charge imposed under this subsection.

(3) For the purpose of subsection (2) of this section "assignee" includes any person to whom or in whose favour by the directions of the person liable, the debt, obligation, or charge was created, issued or transferred or the interest created, but does not include an assignee for valuable consideration (not including consideration by way of marriage) given in good faith and without notice of any of the matters on the ground of which the declaration is made.

(4) Where any business of a company is carried on with the intent or for the purpose mentioned in subsection (1) of this section, every person who was knowingly a party to the carrying on of the business with that intent or purpose shall be guilty of an offence against this Act.

Penalty : Imprisonment for one year.

(5) The provisions of this section shall have effect notwithstanding that the person concerned is criminally liable apart from this section in respect of the matters on the ground of which the declaration is made.

(6) On the hearing of an application under subsection (1) of this section the liquidator may himself give evidence or call witnesses.

PART X.

DIVISION IV.

Power of
Court to
assess damages
against
delinquent
officers, etc.

U.K. s. 333.
N.S.W. s. 308
Vic. s. 227.
Qsld. s. 285.
S.A. s. 291.
W.A. s. 282.
Tas. s. 238.

305. (1) If in the course of winding up it appears that any person who has taken part in the formation or promotion of the company or any past or present liquidator or officer has misapplied or retained or become liable or accountable for any money or property of the company or been guilty of any misfeasance or breach of trust in relation to the company, the Court may on the application of the liquidator or of any creditor or contributory examine into the conduct of such person, liquidator or officer and compel him to repay or restore the money or property or any part thereof with interest at such rate as the Court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

(2) This section shall extend and apply to and in respect of the receipt of any money or property by any officer of the company during the two years preceding the commencement of the winding up whether by way of salary or otherwise appearing to the Court to be unfair or unjust to other members of the company.

(3) The provisions of this section shall have effect notwithstanding that the offence is one for which the offender is criminally liable.

306. (1) If it appears to the Court, in the course of a winding up by the Court, that any past or present officer, or any member, of the company has been guilty of an offence in relation to the company for which he is criminally liable, the Court may, either on the application of any person interested in the winding up or of its own motion, direct the liquidator to refer the matter to the Minister.

Prosecution
of delinquent
officers and
members of
company.

U.K. s. 334.
N.S.W. s. 309.
Vic. s. 228.
Qsld. s. 286.
S.A. s. 292.
W.A. s. 288.
Tas. s. 239.

(2) If it appears to the liquidator, in the course of a voluntary winding up, that any past or present officer, or any member, of the company has been guilty of any offence in relation to the company for which he is criminally liable, he shall forthwith report the matter to the Minister and shall, in respect of information or documents in his possession or under his control which relate to the matter in question, furnish the Minister with such information and give to him such access to and facilities for inspecting and taking copies of any documents as he may require.

(3) If it appears to the liquidator, in the course of any winding up that the company which is being wound up will be unable to pay its unsecured creditors more than ten shillings in the pound, the liquidator shall forthwith report the matter in writing to the Registrar and shall furnish the Registrar with such information and give to him such access to and facilities for inspecting and taking copies of any document as the Registrar may require.

(4) Where any report is made under subsection (2) or subsection (3) of this section the Minister may, if he thinks fit, investigate the matter and may, if he thinks expedient, apply to the Court for an order conferring on him or any person designated by him for the purpose with respect to the company concerned all such powers of investigating the affairs of the company as are provided by this Act in the case of a winding up by the Court, but if it appears to him that the case is not one in which proceedings ought to be taken by him he shall inform the liquidator accordingly, and thereupon, subject to the previous approval of the Court, the liquidator may himself take proceedings against the offender and for that purpose the Minister shall be deemed to have given his written consent to the proceedings being taken by the liquidator.

(5) If it appears to the Court in the course of a voluntary winding up that any past or present officer, or any member, of the company has been guilty as aforesaid and that no report with respect to the matter has been made by the liquidator to the Minister, the Court may, on the application of any person interested in the winding up or of its own motion, direct the liquidator to make such a report, and on a report being made accordingly, the provisions of this section shall have effect as though the report had been made in pursuance of the provisions of subsection (2) of this section.

(6) If, where any matter is reported or referred to the Minister or Registrar under this section, he considers that the case is one in which a prosecution ought to be instituted, he may institute proceedings accordingly, and the liquidator and every officer and agent of the company, whether past or present, other than the defendant in the proceedings, shall give the Minister or Registrar all assistance in connection with the prosecution which he is reasonably able to give.

(7) For the purpose of subsection (6) of this section "agent", in relation to a company, includes any banker or solicitor of the company and any person employed by the company as auditor, whether or not an officer of the company.

(8) If any person fails or neglects to give assistance in manner required by subsection (6) of this section, the Court may on the application of the Minister or Registrar direct that person to comply with the requirements of that subsection, and where any application is made under this subsection with respect to a liquidator the Court may, unless it appears that the failure or neglect to comply was due to the liquidator not having in his hands sufficient assets of the company to enable him so to do, direct that the costs of the application shall be borne by the liquidator personally.

(9) The Minister may direct that the whole or any part of any costs and expenses properly incurred by the liquidator in proceedings brought by him under this section shall be defrayed out of moneys provided by Parliament.

(10) Subject to any direction given under subsection (9) of this section and to any charges on the assets of the company and any debts to which priority is given by this Act, all such costs and expenses shall be payable out of those assets as part of the costs of winding up.

Subdivision (5)—Dissolution.

307. (1) Where a company has been dissolved the Court may at any time within two years after the date of dissolution, on application of the liquidator of the company or of any other person who appears to the Court to be interested, make an order upon such terms as the Court thinks fit declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

Power of Court to declare dissolution of company void.
U.K. s. 352.
N.S.W. s. 322.
Vic. s. 240.
Qsld. s. 298.
S.A. s. 304.
W.A. s. 295.
Tas. s. 251.

(2) The person on whose application the order was made shall, within seven days after the making of the order or such further time as the Court allows, lodge with the Registrar an office copy of the order and if he fails so to do shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

308. (1) Where the Registrar has reasonable cause to believe that a company is not carrying on business or is not in operation he may send to the company by post a letter to that effect and stating that if an answer showing cause to the contrary is not received within one month from the date thereof a notice will be published in the *Government Gazette* with a view to striking the name of the company off the register.

Power of Registrar to strike defunct company off register.
U.K. s. 353.
N.S.W. s. 323.
Vic. s. 241.
Qsld. s. 299.
S.A. s. 305.
W.A. s. 296.
Tas. s. 252.

(2) Unless the Registrar receives an answer within one month from the date of the letter to the effect that the company is carrying on business or is in operation, he may publish in the *Government Gazette* and send to the company by registered post a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(3) If in any case where a company is being wound up the Registrar has reasonable cause to believe that—

(a) no liquidator is acting ;

(b) the affairs of the company are fully wound up and for a period of six months the liquidator has been in default in lodging any return required to be made by him ; or

- (c) the affairs of the company have been fully wound up under Division II of this Part and there are no assets or the assets available are not sufficient to pay the costs of obtaining an order of the Court dissolving the company,

he may publish in the *Government Gazette* and send to the company or the liquidator, if any, a notice to the same effect as that referred to in subsection (2) of this section.

(4) At the expiration of the time mentioned in the notice the Registrar may, unless cause to the contrary is previously shown, strike the name of the company off the register, and shall publish notice thereof in the *Government Gazette*, and on the publication in the *Government Gazette* of this notice the company shall, by force of this section, be dissolved ; but

- (a) the liability, if any, of every officer and member of the company shall continue and may be enforced as if the company had not been dissolved ; and
- (b) nothing in this subsection shall affect the power of the Court to wind up a company the name of which has been struck off the register.

(5) If any person feels aggrieved by the name of the company having been struck off the register, the Court on an application made by the person at any time within fifteen years after the name of the company has been so struck off may, if satisfied that the company was, at the time of the striking off, carrying on business or in operation or otherwise that it is just that the name of the company be restored to the register, order the name of the company to be restored to the register, and upon an office copy of the order being lodged with the Registrar the company shall be deemed to have continued in existence as if its name had not been struck off, and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(6) A notice to be sent under this section to a liquidator may be addressed to the liquidator at his last known place of business, and a letter or notice to be sent under this section to a company may be addressed to the company at its registered office or, if no office has been registered, to the care of some officer of the company, or if there is no officer of the company whose name and address are known to the Registrar, may be sent to each of the persons who subscribed the memorandum of the company addressed to him at the address mentioned in the memorandum.

309. (1) Where after a company has been dissolved it is proved to the satisfaction of the Registrar—

- (a) that the company if still existing would be legally or equitably bound to carry out, complete or give effect to some dealing, transaction or matter; and
- (b) that in order to carry out, complete or give effect thereto some purely administrative act, not discretionary, should have been done by or on behalf of the company, or should be done by or on behalf of the company, if still existing,

the Registrar may as representing the company or its liquidator under the provisions of this section do or cause to be done any such act.

(2) The Registrar may execute or sign any relevant instrument or document adding a memorandum stating that he has done so in pursuance of this section, and such execution or signature shall have the same force, validity and effect as if the company if existing had duly executed such instrument or document.

310. (1) Where, after a company has been dissolved, there remains any outstanding property, real or personal, including things in action, and whether within or outside the State, which was vested in the company or to which it was entitled, or over which it had a disposing power at the time it was so dissolved, but which was not got in, realized upon or otherwise disposed of or dealt with by the company or its liquidator, such property (except called and uncalled capital) shall, for the purposes of the following sections of this Subdivision and notwithstanding any enactment or rule of law to the contrary, by the operation of this section, be and become vested in the Registrar for all the estate and interest therein, legal or equitable, of the company or its liquidator at the date the company was dissolved, together with all claims, rights and remedies which the company or its liquidator then had in respect thereof.

(2) Where any claim, right or remedy of the liquidator may under this Act be made, exercised or availed of only with the approval or concurrence of the Court or some other person, the Registrar may for the purposes of this section make, exercise or avail himself of that claim, right or remedy without such approval or concurrence.

311. (1) Upon proof to the satisfaction of the Registrar that there is vested in him by operation of section 310 or by operation of any corresponding previous enactment or of a law of a proclaimed State corresponding with section 318 any estate or interest in property, whether solely or together with any other person, of a beneficial nature and not merely held in trust, the Registrar may sell or otherwise dispose of or deal with such estate or interest or any part thereof as he sees fit.

Registrar to act as representative of defunct company in certain events.
N.S.W. s. 324.
Vic. s. 242.
S.A. s. 306.
W.A. s. 297.
Tas. s. 253.

Outstanding assets of defunct company to vest in Registrar.
N.S.W. s. 325.
Vic. s. 243.
S.A. s. 307.
W.A. s. 298.
Tas. s. 254.

Outstanding interests in property how disposed of.
N.S.W. s. 326.
Vic. s. 244.
S.A. ss. 308, 309.
W.A. s. 299.
Tas. s. 255.

(2) The Registrar may sell or otherwise dispose of or deal with such property either solely or in concurrence with any other person in such manner for such consideration by public auction, public tender or private contract upon such terms and conditions as he thinks fit, with power to rescind any contract and resell or otherwise dispose of or deal with such property as he thinks expedient, and may make, execute, sign and give such contracts, instruments and documents as he thinks necessary.

(3) The Registrar shall be remunerated by such commission, whether by way of percentage or otherwise, as is prescribed in respect of the exercise of the powers conferred upon him by subsection (1) of this section and the amount of such commission shall be paid into the general revenue.

(4) The moneys received by the Registrar in the exercise of any of the powers conferred on him by this Subdivision shall be applied in defraying all costs, expenses, commission and fees incidental thereto and thereafter to any payment authorized by this Subdivision and the surplus, if any, shall be deemed to be money belonging to a trust in his hands within the meaning and operation of section 47 of the Trustee Act, 1936 and he shall pay the same into the Court under that section, and the same shall, subject to rules of Court, be dealt with according to the orders of the Court: But any application for payment out of Court of any such moneys, and any claim, suit or action for or in respect of any such moneys must be made within twenty years after the dissolution of the company, after the expiration of which period all moneys so paid standing to the credit of the company shall, if there be no such application pending, or any order of the Court to the contrary, be passed to the credit and form part of the general revenue.

Liability of Registrar and Crown as to property vested in Registrar.

Vic. s. 245.
Tas. s. 256.

312. Property vested in the Registrar by operation of this Subdivision or by operation of any corresponding previous enactment shall be liable and subject to all charges, claims and liabilities imposed thereon or affecting such property by reason of any statutory provision as to rates, taxes, charges or any other matter or thing to which such property would have been liable or subject had such property continued in the possession, ownership or occupation of the company; but there shall not be imposed on the Registrar or the Crown any duty, obligation or liability whatsoever to do or suffer any act or thing required by any such statutory provision to be done or suffered by the owner or occupier other than the satisfaction or payment of any such charges, claims or liabilities out of the assets of the company so far as they are in the opinion of the Registrar properly available for and applicable to such payment.

313. (1) The Registrar shall—

- (a) record in the register of companies a statement of any property coming to his hand or under his control or to his knowledge vested in him by operation of this Subdivision and of his dealings therewith ;
- (b) keep accounts of all moneys arising therefrom and of how they have been disposed of ; and
- (c) keep all accounts, vouchers, receipts and papers relating to such property and moneys.

(2) The Auditor-General shall have all the powers in respect of such accounts as are conferred upon him by any Act relating to audit of public accounts.

Accounts and audit.
N.S.W. s. 328.
Vic. s. 246.
S.A. s. 310.
W.A. s. 301.
Tas. s. 257.

DIVISION V.—WINDING UP OF UNREGISTERED COMPANIES.

DIVISION V.

314. (1) For the purposes of this Division “unregistered company” includes a foreign company and any partnership, association or company consisting of more than five members, but does not include a company incorporated under this Act or under any corresponding previous enactment.

“Unregistered company.”
U.K. ss. 398, 404.
N.S.W. ss. 329, 334.
Vic. s. 248.
Qsld. ss. 359, 365.
S.A. ss. 345, 350, 361a (2), 362.
W.A. s. 302.
Tas. s. 259.

(2) The provisions of this Division shall be in addition to and not in restriction of any provisions contained in this or any other Act with respect to winding up companies by the Court and subject to this Division, those provisions shall apply to the winding up of an unregistered company as if it were a company and the Court or liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies.

Provisions of Division cumulative.
S.A. ss. 350, 361a (2).

315. (1) Subject to this Division any unregistered company may be wound up under this Part, which Part shall apply to an unregistered company with the following adaptations :—

Winding up of unregistered companies.

- (a) The principal place of business of such company in the State shall for all the purposes of the winding up be the registered office of the company.
- (b) No such company shall be wound up voluntarily.
- (c) The circumstances in which the company may be wound up are—

U.K. ss. 399, 400.
N.S.W. ss. 71, 330.
Vic. s. 249.
Qsld., s. 360.
S.A. ss. 346, 361a (2).
W.A. s. 303.
Tas. s. 260.

- (i) if the company is dissolved or has ceased to have a place of business in the State or has a place of business in the State only

s. 315. In the matter of the NORTH AUSTRALIAN TERRITORY COMPANY LIMITED (1889) 23 S.A.L.R. 163; 3 Austr. Digest 929. Order made for winding-up a company possessing property in South Australia but registered in England, notwithstanding that the company was in voluntary liquidation in England.

for the purpose of winding up its affairs or has ceased to carry on business in the State ;

- (ii) if the company is unable to pay its debts ;
- (iii) if the Court is of opinion that it is just and equitable that the company should be wound up.

(2) An unregistered company shall be deemed to be unable to pay its debts if—

(a) a creditor by assignment or otherwise to whom the company is indebted in a sum exceeding fifty pounds then due has served on the company, by leaving at its principal place of business in the State or by delivering to the secretary or some director, manager or principal officer of the company or by otherwise serving in such manner as the Court approves or directs, a demand under his hand requiring the company to pay the sum so due and the company has for three weeks after the service of the demand neglected to pay the sum or to secure or compound for it to the satisfaction of the creditor ;

(b) any action or other proceeding has been instituted against any member for any debt or demand due or claimed to be due from the company or from him in his character of member, and, notice in writing of the institution of the action or proceeding having been served on the company by leaving it at its principal place of business in the State or by delivering it to the secretary or some director, manager or principal officer of the company or by otherwise serving it in such manner as the Court approves or directs, the company has not within ten days after service of the notice paid, secured or compounded for the debt or demand or procured the action or proceeding to be stayed or indemnified the defendant to his reasonable satisfaction against the action or proceeding and against all costs, damages and expenses to be incurred by him by reason thereof ;

(c) execution or other process issued on a judgment, decree or order obtained in any court in favour of a creditor against the company or any member thereof as such or any person authorized to be sued as nominal defendant on behalf of the company is returned unsatisfied ; or

(d) it is otherwise proved to the satisfaction of the Court that the company is unable to pay its debts.

(3) A company incorporated outside the State may be wound up as an unregistered company under this Division, so far as its assets in the State are concerned, notwithstanding that it is being wound up or has been dissolved or has otherwise ceased to exist as a company under or by virtue of the laws of the place under which it was incorporated.

(4) In this section "to carry on business" has the same meaning as it has in section 344.

316. (1) On an unregistered company being wound up every person shall be a contributory—

(a) who is liable to pay or contribute to the payment of—

- (i) any debt or liability of the company ;
- (ii) any sum for the adjustment of the rights of the members among themselves ; or
- (iii) the costs and expenses of winding up ; or

(b) where the company has been dissolved in the place in which it is formed or incorporated, who immediately before the dissolution was so liable,

and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability.

(2) On the death or bankruptcy of any contributory the provisions of this Act with respect to the personal representatives of deceased contributories and the assignees and trustees of bankrupt contributories respectively shall apply.

Contributories
in winding up
of unregistered
company.

U.K. s. 401.
N.S.W. s. 331.
Vic. s. 250.
Qsld. s. 301.
S.A. s. 347.
W.A. s. 304.
Tas. s. 261.

317. (1) The provisions of this Act with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of an unregistered company where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Power of Court
to stay or
restrain
proceedings.

U.K. ss. 402,
403.
N.S.W. ss. 332,
333.
Vic. s. 251.
Qsld. ss. 362,
363.
S.A. ss. 348,
349.
W.A. ss. 305,
306.
Tas. s. 262.

(2) Where an order has been made for winding up an unregistered company no action or proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company except by leave of the Court and subject to such terms as the Court imposes.

Proceedings
stayed on
winding up
order.

318. (1) Where an unregistered company the place of incorporation or origin of which is in a proclaimed State has been dissolved and there remains in this State any outstanding property, real or personal, including things in action, which was vested in the company or to which it was entitled or over which it had a disposing power at the time it was dissolved,

Outstanding
assets of
defunct
unregistered
company.
Vic. s. 247.

PART X.
DIVISION V.

but which was not got in, realized upon or otherwise disposed of or dealt with by the company or its liquidator before the dissolution, the property, except called and uncalled capital, shall, by the operation of this section be and become vested, for all the estate and interest therein legal or equitable of the company or its liquidator at the date the company was dissolved, in such person as is entitled thereto according to the law of the place of incorporation or origin of the company.

(2) Where the place of origin of an unregistered company is this State the provisions of section 309 to section 313 (both inclusive) shall with such adaptations as may be necessary apply in respect of that company.

(3) Where it appears to the Governor that an enactment in force in any State or Territory of the Commonwealth other than this State contains provisions similar to the provisions of this section, he may, by order published in the *Government Gazette*, declare that State or Territory to be a proclaimed State for the purposes of this section.

PART XI.

PART XI.

VARIOUS TYPES OF COMPANIES, ETC.

DIVISION I.

DIVISION I.—NO-LIABILITY COMPANIES.

Application
of Act to
no liability
companies.
Vic. s. 267.
Qsld. s. 313.
Tas. s. 263.

319. Subject to this Division and save as otherwise expressly provided in this Act the provisions of this Act relating to public companies except sections 218 to 220 (both inclusive), 236 (so far as it relates to calls), 244 and subsection (3) of section 245 shall apply to no-liability companies.

Shareholder
not liable to
calls or
contributions.
N.S.W. s. 43.
Vic. s. 268.
Qsld. ss. 311,
312.
S.A. s. 184.
W.A. s. 170.
Tas. s. 264.

320. The acceptance of a share in a no-liability company, whether by original allotment or by transfer, shall not constitute a contract on the part of the person accepting it to pay any calls in respect thereof or any contribution to the debts and liabilities of the company, and such person shall not be liable to be sued for any calls or contributions, but he shall not be entitled to a dividend upon any such share upon which a call is due and unpaid.

Dividends
payable on
shares held
irrespective
of amount
paid up on
shares.
N.S.W. s. 44.
Vic. s. 269.
Tas. s. 265.

321. Subject to any provisions of the articles relating to preferred, deferred or other special classes of shares, dividends when payable to the shareholders in any no-liability company shall be payable to the persons entitled thereto in proportion to the shares held by them respectively irrespective of the amount paid up or credited as paid up thereon.

322. (1) The calls upon shares in a no-liability company shall be so made that they shall be payable—

- (a) not less than fourteen days from the day on which the call is made ; and
- (b) on the second Wednesday in a month or if that Wednesday is a public holiday on the next following week-day which is not a public holiday,

and no subsequent call shall be made until after the expiration of seven days from the day upon which the call made immediately previous to it is payable.

(2) A notice shall be printed on the face of all share certificates stating that such Wednesday or other day is the day on which calls are payable.

(3) When a call is made, notice of the amount of the call, and of the day when it is payable and of the place for payment shall, not less than seven days before such day, be—

- (a) published in a daily newspaper circulating generally throughout the State ; and
- (b) sent by post to each holder of shares on which the call is made.

323. (1) Any share in a no-liability company upon which a call at the expiration of fourteen days after the day for its payment is unpaid is thereupon forfeited without any resolution of directors or other proceedings, and shall subject to this Division be offered for sale by public auction not more than six weeks after the date on which the call is payable.

(2) Such sale shall be advertised not less than fourteen and not more than twenty-one days before the day appointed for the sale in a daily newspaper circulating generally throughout the State.

(3) Where a sale is not held owing to error or inadvertence, the sale if held in due course as soon as may be after the discovery of the error or inadvertence shall not be invalid.

(4) If there is any failure to comply with the provisions of this section, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : One hundred pounds.

(5) At any such sale a share forfeited for non-payment of any call may, if the company in accordance with its articles or by ordinary resolution so determines, be offered for sale and sold credited as paid up to the sum of the amount paid up thereon at the time of forfeiture and the amount of such call and the amount of any other calls becoming payable on or before the date of the sale.

(6) The proceeds of the sale shall be applied in payment of—

- (a) firstly, the expenses of the sale ;

PART XI.
DIVISION I.

(b) secondly, any expenses necessarily incurred in respect of the forfeiture ; and

(c) thirdly, the calls then due and unpaid,

and the balance (if any) shall be paid to the member whose share has been so sold on his delivering to the company the share certificate that relates to the forfeited share.

Provisions
as to sale of
forfeited shares.
N.S.W. s. 44.
Vic. s. 273.
Qsld. s. 313.
S.A. ss. 179,
181.
W.A. s. 165.
Tas. s. 270.

324. (1) The directors may, in the case of any share advertised for sale as forfeited for non-payment of a call, fix a reserve price not exceeding the sum of the amount of the call due and unpaid on the share at the time of forfeiture and the amount of any other calls becoming payable on or before the date of the sale.

(2) If a bid at least equal to the reserve price so fixed be not made for such share, the share may be withdrawn from sale.

(3) Any share so withdrawn from sale and any other share for which no bid is received at the sale shall be held by the directors in trust for the company and shall be disposed of in such manner as the company in accordance with its articles or by ordinary resolution determines, but at any meeting of the company no person shall be entitled to any vote in respect of the shares so held by the directors in trust.

(4) Unless otherwise specifically provided by ordinary resolution, the shares to be so disposed of shall first be offered to shareholders for a period of fourteen days before being disposed of in any other manner.

As to shares
held by or
in trust for
company.
Vic. s. 274.
Tas. s. 271.

325. No call shall have any effect upon any forfeited share which is held by or in trust for the company pursuant to this Division, but such share when re-issued or sold by the company may be credited as paid up to such amount as the company, in accordance with its articles or by ordinary resolution, determines.

Sale of shares
on non-
payment of
calls valid
although
specific
numbers not
advertised.

N.S.W. s. 44.
Vic. s. 275.
Tas. s. 272.

326. (1) When forfeited shares are sold for non-payment of any call the sale shall be valid although the specific numbers thereof are not advertised.

(2) In every advertisement it shall be sufficient to give notice of the intended sale of forfeited shares by advertising to the effect that all shares on which a call remains unpaid will be sold.

Postponement
of sale.

Vic. s. 276.
Tas. s. 272.

327. (1) Any intended sale of forfeited shares which has been duly advertised may be postponed for not more than twenty-one days from the advertised date of sale or from any date to which the sale has duly been postponed but so that no such intended sale shall be postponed to a date more than ninety days from the first date fixed for the intended sale.

(2) The date to which the sale is postponed shall in respect of every postponement be advertised in a daily newspaper circulating generally throughout the State.

328. (1) Notwithstanding anything in this Division any person, if a share belonging to him has been forfeited, may, at any time up to or on the day previous to that upon which it is intended to sell the share, redeem the share by payment to the company of—

Redemption of
forfeited shares
N.S.W. s. 44.
Vic. s. 277.
S.A. s. 180.
W.A. s. 166
Tas. s. 273.

(a) all calls due thereon; and

(b) if the company so requires—

- (i) a portion, calculated on a *pro rata* basis, of all expenses incurred by the company in respect of the forfeiture; and
- (ii) a portion, calculated on a *pro rata* basis, of all costs and expenses of any proceeding which has been taken in respect of the forfeiture.

(2) Upon such payment such person shall be entitled to the share as if the forfeiture had not been incurred.

329. On the day before that on which a forfeited share is advertised for sale, the company's office shall be open during the hours for which it is by this Act required to be accessible to the public.

Office to be
open the day
before sale
advertised.
Vic. s. 278.
Tas. s. 274.

330. (1) If on the winding up of a no-liability company there remains any surplus, the surplus shall be distributed amongst the parties entitled thereto in proportion to the shares held by them respectively irrespective of the amount paid up or credited as paid up thereon.

Distribution of
surplus.
N.S.W. s. 44.
Vic. s. 279.
Tas. s. 277.

(2) No member who is in arrear in payment of any call but whose shares have not been actually forfeited shall be entitled to share in such distribution until the amount owing in respect of such call has been fully paid and satisfied.

331. If a no-liability company ceases to carry on business within twelve months of its incorporation, shares issued for cash shall, on a winding up, to the extent of the capital contributed by subscribing shareholders, rank in priority to those issued to vendors or promoters or both for other consideration than cash.

Distribution of
surplus where
cessation of
business within
twelve months.
Vic. s. 280.
Tas. s. 278.

332. Notwithstanding anything in the memorandum or articles of a no-liability company, the holders of any shares issued to vendors or promoters shall not be entitled to any preference on the winding up of the company.

As to rights
attaching to
preference
shares issued to
promoters.
Vic. s. 281.
Tas. s. 279.

PART XI.
DIVISION I.

Restrictions
on tribute
arrangements.
Vic. s. 282.
Tas. s. 280.

333. (1) Without the sanction of a special resolution of the company the directors of a no-liability company shall not—

(a) let the whole or portion of a mine or claim on tribute ;
or

(b) make any contract for working any land on tribute.

(2) Subsection (1) of this section shall not preclude the directors of a no-liability company from letting the whole or portion of a mine or claim on tribute or making any contract for working any land on tribute for any period not exceeding three months, without the sanction of such a resolution if no such letting or contract has been made within the period of two years immediately preceding the proposed letting or contract.

DIVISION II.

DIVISION II.—INVESTMENT COMPANIES.

Interpretation.
Vic. s. 284.
W.A. s. 380.
Tas. s. 282.

334. (1) In this Division unless inconsistent with the context or subject-matter—

“investment company” means a corporation for the time being declared by proclamation of the Governor to be an investment company ; and

“net tangible assets” means tangible assets at book values less total liabilities at book values and less any aggregate amount by which the book value of the marketable securities held by the corporation exceeds their market value.

Proclamation
of investment
companies.

(2) The Governor may by proclamation published in the *Government Gazette* declare to be an investment company any corporation which is engaged primarily in the business of investment in marketable securities for the purpose of revenue and for profit and not for the purpose of exercising control, and the Governor may by like proclamation revoke any proclamation declaring a corporation to be an investment company.

Restriction on
borrowing by
investment
companies.
Vic. s. 285.
W.A. s. 381.
Tas. s. 283.

335. (1) An investment company shall not borrow an amount if that amount, or the sum of that amount and amounts previously borrowed by it and not repaid exceeds an amount equivalent to fifty per centum of its net tangible assets.

(2) An investment company shall not borrow an amount otherwise than by the issue of debentures if that amount, or the sum of that amount and amounts previously borrowed by it otherwise than by the issue of debentures and not repaid, exceeds an amount equivalent to twenty-five per centum of its net tangible assets.

(3) In subsection (2) of this section “debentures” does not include a debenture—

(a) that is redeemable, except at the option of the borrower exercised not earlier than two and one half years

after the date of issue of the debenture, within less than five years after that date ; or

(b) that is issued to a bank as security for an overdraft.

336. (1) An investment company shall not invest an amount in a corporation if that amount, or the sum of that amount and amounts previously invested by it in that corporation and still so invested exceeds an amount equivalent to ten per centum of the net tangible assets of the investment company.

Restriction on investments of investment companies.
Vic. s. 286.
W.A. s. 382.
Tas. s. 284.

(2) An investment company shall not invest an amount in the ordinary shares of a corporation if that amount, or the sum of that amount and amounts previously invested by it in the ordinary shares of that corporation and still so invested exceeds an amount equivalent to five per centum of the subscribed ordinary share capital of the corporation.

337. (1) An investment company shall not underwrite any issue of authorized securities to an amount that, when added to the amount or amounts, if any, to which it has previously underwritten a current issue or issues of other authorized securities (not being an amount or amounts in respect of which the underwriting obligation has been discharged), exceeds an amount equivalent to forty per centum of its net tangible assets.

Restriction on underwriting by investment companies.
Vic. s. 287.
W.A. s. 383.
Tas. s. 285.

(2) An investment company shall not underwrite any issue of non-authorized securities to an amount that, when added to the amount or amounts, if any, to which it has previously underwritten a current issue or issues of other non-authorized securities (not being an amount or amounts in respect of which the underwriting obligation has been discharged), exceeds an amount equivalent to twenty per centum of its net tangible assets.

(3) Where—

(a) an investment company has underwritten any issue of securities and, in relation to the underwriting, has not contravened subsection (1) or (2) of this section ; and

(b) the investment company, as a result of the underwriting, invests in a corporation, being an investment contrary to section 336,

Provisions for unloading securities underwritten and not taken up.

the investment company shall be deemed not to have contravened a provision of that section by reason of so investing in the corporation if, at the expiration of twelve months after so investing—

(i) the amount invested by it in the corporation does not exceed an amount equivalent to ten per centum of the net tangible assets of the investment company ; and

(ii) it does not hold more than five per centum of the subscribed ordinary share capital of the corporation.

(4) This section extends to and in relation to sub-underwriting as if the sub-underwriting were underwriting.

(5) In this section—

“authorized securities” means securities in which, by any Act of the Commonwealth, the State, any other State of the Commonwealth or New Zealand, trustees are authorized to invest trust funds in their hands; and

“non-authorized securities” means securities other than authorized securities.

Special requirements as to articles and prospectus.

Vic. s. 288.
W.A. s. 384.
Tas. s. 286.

338. (1) An investment company shall not issue a prospectus or permit a prospectus to be issued on its behalf unless the prospectus specifies—

(a) the type of security in which, in accordance with the objects of the company, the company may invest; and

(b) whether it is among the objects of the company to invest within the Commonwealth or outside the Commonwealth or both.

(2) After the expiration of three months after an investment company has been declared to be an investment company, the investment company shall not borrow or invest any moneys, or underwrite or sub-underwrite any issue of securities, unless the articles of the company specify the matters referred to in paragraphs (a) and (b) of subsection (1) of this section.

Not to hold shares in other investment companies.

Vic. s. 289.
W.A. s. 385.
Tas. s. 287.

339. No investment company shall purchase, or after the expiration of three years after it is declared to be an investment company hold, any shares in or debentures of—

(a) any other investment company; or

(b) any corporation incorporated in any other State or Territory of the Commonwealth or in New Zealand which is engaged primarily in the business of investment in marketable securities for the purpose of revenue and for profit and not for the purpose of exercising control and which is specified by proclamation of the Governor published in the *Government Gazette*.

Not to speculate in commodities.

Vic. s. 290.
W.A. s. 286.
Tas. s. 288.

340. (1) No investment company shall for the purpose of profit buy or sell or deal in any raw materials or manufactured goods, whether in existence or not, otherwise than by investing in companies trading in such materials or goods.

(2) Subsection (1) of this section shall not apply to or in relation to—

- (a) any buying, selling or dealing by an investment company in pursuance of a contract entered into by the investment company before it was declared to be an investment company; or
- (b) the selling of or the dealing in raw materials or manufactured goods acquired by the investment company before it was so declared.

341. (1) An investment company shall state under separate headings in every balance-sheet of the investment company, in addition to any other matters required to be stated therein—

Balance-sheets
and accounts.
Vic. s. 291.
W.A. s. 387.
Tas. s. 289.

- (a) the investments of the company in any securities which are not securities referred to in paragraph (h) of clause 2 of the Ninth Schedule; and
- (b) the manner in which the investments of the company have been valued.

(2) An investment company shall attach to every such balance-sheet—

- (a) a complete list of all purchases and sales of securities by the company during the period to which the accounts relate together with a statement of the total amount of brokerage paid or charged by the company during that period and the proportion thereof paid to any stock or share broker, or any employee or nominee of any stock or share broker, who is an officer of the company; and
- (b) a complete list of all the investments of the company as at the date of the balance-sheet showing the descriptions and quantities of such investments.

(3) An investment company shall show separately in the profit and loss account, in addition to any other matters required to be shown therein, income from underwriting (including sub-underwriting).

342. (1) The net profits and losses of an investment company from the purchase and sale of securities shall be respectively credited and debited by the company to a reserve account to be kept by it and to be called the "investment fluctuation reserve".

Investment
fluctuation
reserve.
Vic. s. 292.
W.A. s. 388.
Tas. s. 290.

(2) The investment fluctuation reserve shall not be available for the payment of dividends.

(3) The investment fluctuation reserve shall be available for the payment of income tax payable in respect of profits made on the sale of securities.

PART XI.

DIVISION II.

Penalties.

Vic. s. 293.
W.A. s. 389.
Tas. s. 291.

343. (1) If default is made by an investment company in complying with the provisions of this Division the investment company and every officer of the investment company who is in default shall be guilty of an offence against this Act.

Penalty: One thousand pounds. Default penalty: One hundred pounds.

(2) No transaction entered into by the company shall be invalid by reason only of such default.

DIVISION III.

DIVISION III.—FOREIGN COMPANIES.

Foreign companies to which this Division applies.

U.K. ss.
406-423.
N.S.W. s. 61.
Vic. s. 294.
Qsld. ss. 321,
335.
S.A. ss. 351,
357, 364.
W.A. s. 328.
Tas. s. 292 (1).

344. (1) This Division applies to a foreign company only if it has a place of business or is carrying on business within the State.

Interpretation.

(2) In this Division, unless the contrary intention appears—

“agent” means the person named in a memorandum of appointment or power of attorney lodged under paragraph (e) of subsection (1) or under subsection (8) of section 346 or under any corresponding previous enactment:

“carrying on business” includes establishing or using a share transfer or share registration office or administering, managing or otherwise dealing with property situated in the State as an agent, legal personal representative, or trustee, whether by servants or agents or otherwise, and “to carry on business” has a corresponding meaning.

(3) Notwithstanding subsection (2) of this section, a foreign company shall not be regarded as carrying on business within the State for the reason only that within the State it—

(a) is or becomes a party to any action or suit or any administrative or arbitration proceeding or effects settlement of an action, suit or proceeding or of any claim or dispute;

s. 344. GIBSON, BATTLE & Co., LTD. v. JAMES KING & SONS (1915) S.A.L.R. 14; 3 Austn. Digest 1141. A company which did a considerable amount of business in the State through an agent who obtained and forwarded orders and was remunerated by commission, held to carry on business in the State.

- (b) holds meetings of its directors or shareholders or carries on other activities concerning its internal affairs ;
- (c) maintains any bank account ;
- (d) effects any sale through an independent contractor ;
- (e) solicits or procures any order which becomes a binding contract only if such order is accepted outside the State ;
- (f) creates evidence of any debt, or creates a charge on real or personal property ;
- (g) secures or collects any of its debts or enforces its rights in regard to any securities relating to such debts ;
- (h) conducts an isolated transaction that is completed within a period of thirty-one days, but not being one of a number of similar transactions repeated from time to time ; or
- (i) invests any of its funds or holds any property.

345. A foreign company registered under this Division or under the repealed Act shall have power to hold land in the State.

Power of foreign companies to hold land.

S.A. s. 355.
Qld. s. 323.

346. (1) Every foreign company shall, within one month after it establishes a place of business or commences to carry on business within the State, lodge with the Registrar for registration—

Documents, etc., to be lodged by foreign companies having place of business in the State.

U.K. s. 407.
N.S.W. s. 62.
Vic. s. 295.
Qld. ss. 322, 325, 333.
S.A. ss. 352-354.
W.A. s. 329.
Tas. s. 299.

- (a) a certified copy of the certificate of its incorporation or registration issued in its place of incorporation or origin or a document of similar effect ;
- (b) a certified copy of its charter, statute, memorandum, or memorandum and articles or other instrument constituting or defining its constitution ;
- (c) a list in the prescribed form of its directors containing similar particulars with respect to its directors as are by this Act required to be contained in the register of the directors, managers and secretaries of a company incorporated under this Act ;
- (d) where the list includes directors resident in the State who are members of the local board of directors a memorandum duly executed by or on behalf of the foreign company stating the powers of the local directors ;

s. 346. *BERTRAM v. METTERS* (1921) S.A.S.R. 172; 3 Austn. Digest 883. Held that section 196 of the Companies Act, 1892, did not permit an attorney to sue in his own name on behalf of the company.

- (e) a memorandum of appointment or power of attorney under the seal of the foreign company or executed on its behalf in such manner as to be binding on the company and, in either case, verified in the prescribed manner, stating the name and address or the names and addresses of one or more persons resident in this State, not including a foreign company, authorized to accept on its behalf service of process and any notices required to be served on the company ;
- (f) notice in the prescribed form of the situation of its registered office in the State and, unless the office is open and accessible to the public for at least five hours between ten o'clock in the forenoon and four o'clock in the afternoon of each day (Saturdays, Sundays and holidays excepted), the days and hours during which it is open and accessible to the public ; and
- (g) a statutory declaration in the prescribed form made by the agent of the company,

and the Registrar shall register the company under this Division by registration of the documents.

(2) Where a memorandum of appointment or power of attorney lodged with the Registrar in pursuance of paragraph (e) of subsection (1) of this section is executed by a person on behalf of the company, a copy of the deed or document by which that person is authorized to execute the memorandum of appointment or power of attorney, verified by statutory declaration in the prescribed manner, shall be lodged with the Registrar and the copy shall for all purposes be regarded as an original.

(3) Subsection (1) of this section shall apply to a foreign company which was not registered under the repealed Act but which, immediately before the date of commencement of this Act, had a place of business or was carrying on business within the State and, on that date, has a place of business or is carrying on business within the State, as if it established that place of business or commenced to carry on that business on that date.

(4) A foreign company shall have a registered office within the State to which all communications and notices may be addressed and which shall be open and accessible to the public for not less than three hours between the hours of nine o'clock in the morning and five o'clock in the evening each day, Saturdays, Sundays, and holidays excepted.

(5) An agent, until he ceases to be such in accordance with subsection (7) of this section, shall—

- (a) continue to be the agent of the company ;

- (b) be answerable for the doing of all such acts, matters and things, as are required to be done by the company by or under this Act ; and
- (c) be personally liable to all penalties imposed on the company for any contravention of any of the provisions of this Act unless he satisfies the court hearing the matter that he should be not so liable.

(6) A foreign company or its agent may lodge with the Registrar a notice in writing in the prescribed form stating that the agent has ceased to be the agent or will cease to be the agent on a date specified in the notice.

(7) The agent in respect of whom the notice has been lodged shall cease to be an agent on the expiration of a period of twenty-one days after the date of lodgement of the notice or on the date of the appointment of another agent the memorandum of whose appointment has been lodged in accordance with subsection (8) of this section, whichever is the earlier, but if the notice states a date on which he is to so cease and the date is later than the expiration of that period, on that date.

(8) Where an agent ceases to be the agent and the company is then without an agent in the State, if the company continues to carry on business or has a place of business in the State, it shall within twenty-one days after the agent ceases to be such, appoint an agent and lodge a memorandum of his appointment and a statutory declaration in accordance with subsection (1) of this section and, if not already lodged in pursuance of subsection (2) of this section, a copy of the deed or document or power of attorney referred to in that subsection verified in accordance with that subsection.

(9) On the registration of a foreign company under this Division or the lodging with the Registrar of particulars of a change or alteration in a matter referred to in paragraph (c), (d), or (f) of section 347, the Registrar shall issue a certificate in the prescribed form under his hand and seal which certificate shall be *prima facie* evidence in all courts of the particulars mentioned in the certificate.

(10) Nothing in this section shall require a foreign company which was registered under the repealed Act immediately before the commencement of this Act as a foreign company to register pursuant to this section but such a company shall within one month after the commencement of this Act, lodge with the Registrar such of the documents specified in subsection (1) of this section as have not been lodged by it under the repealed Act.

Case
12/1969
L.B. 5
19980

PART XI.

DIVISION III.

Return to be
filed where
documents,
etc., altered.

U.K. s. 409.
N.S.W. s. 67.
Vic. s. 296.
Qsld. s. 324.
S.A. s. 359.
W.A. s. 335.
Tas. s. 294.

347. (1) Where any change or alteration is made in—

- (a) the charter, statute, memorandum, articles or other instrument a copy of which is lodged with the Registrar under paragraph (b) of subsection (1) of section 346 ;
- (b) the directors of the foreign company ;
- (c) the agent or agents of the foreign company or the address of any agent ;
- (d) the situation of the registered office of the foreign company in the State or of the days or hours during which it is open and accessible to the public ;
- (e) the address of the registered office of the foreign company in its place of incorporation or origin ;
- (f) the name of the foreign company ; or
- (g) the powers of any directors resident in the State who are members of the local board of directors of the foreign company,

the foreign company shall, within one month or within such further period as the Registrar in special circumstances allows after the change or alteration, lodge with the Registrar notice in the prescribed form of the change or alteration and such documents as the regulations require.

(2) If a foreign company increases its authorized share capital it shall, within one month or within such further period as the Registrar in special circumstances allows after such increase, lodge with the Registrar notice in the prescribed form of the amount from which and of the amount to which it has been so increased.

(3) If a foreign company not having a share capital increases the number of its members beyond the registered number it shall, within one month or within such further period as the Registrar in special circumstances allows after the increase was resolved on or took place, lodge with the Registrar notice in the prescribed form of the increase.

348. (1) Subject to this section a foreign company shall, at least once in every calendar year and at intervals of not more than fifteen months, lodge with the Registrar a copy of its balance-sheet made up to the end of its last financial year in such form and containing such particulars and including copies of such documents as the company is required to prepare by the law for the time being applicable to that company in the place of its incorporation or origin, together with a statutory declaration in the prescribed form verifying that the copies are true copies of the documents so required.

Balance-
sheets.

U.K. s. 410.
N.S.W. s. 68.
Vic. s. 297.
Qsld. s. 327.
S.A. s. 358.
W.A. s. 334.
Tas. s. 295.

(2) The Registrar may, if he is of the opinion that the balance-sheet and other documents referred to in subsection (1) of this section do not sufficiently disclose the company's financial position, require the company to lodge a balance-sheet within such period, in such form and containing such particulars and including such documents as the Registrar by notice in writing to the company requires, but this subsection does not authorize the Registrar to require a balance-sheet to contain any particulars or include any documents that would not be required to be furnished if the company were a public company incorporated under this Act.

(3) The company shall comply with the requirements set out in the notice.

(4) Where a foreign company is not required by the law of the place of its incorporation or origin to prepare a balance-sheet the company shall prepare and lodge with the Registrar a balance-sheet within such period, in such form and containing such particulars and including such documents as the company would have been required to prepare if the company were a public company incorporated under this Act.

(5) Subsections (1) to (4) (both inclusive) of this section do not apply to or in relation to a foreign company—

- (a) which is an exempt private company under the law of the United Kingdom relating to companies ;
 - (b) which is included in a class of corporations which the Governor has declared by Order published in the *Government Gazette* to be a class of corporations of a kind the same or substantially the same as exempt proprietary companies under this Act ;
 - (c) which is included in a class of corporations which the Governor has declared by Order published in the *Government Gazette* to be a class of corporations of a kind the same or substantially the same as proprietary companies under this Act where no beneficial interest in any share in the company is held, directly or indirectly, otherwise than by a natural person ;
 - (d) which is a corporation incorporated in the United Kingdom or in any other State or Territory of the Commonwealth and which has, by the law of the place of its incorporation, exemptions and privileges similar to those which are provided for in section 24 ;
- or

- (e) which is an association incorporated in any other State or territory of the Commonwealth under an enactment of that place which makes special provision for the incorporation of associations which are formed for the purpose of providing recreation or amusement, or promoting commerce, industry, art, science, religion, charity, pension or superannuation schemes or any other object useful to the community and which are by their constitutions prohibited from the payment of dividends to their members.

Annual return.
Vic. s. 297.
Tas. s. 295.

(6) A foreign company referred to in paragraph (a), (b) or (c) of subsection (5) of this section shall, at least once in every calendar year, lodge with the Registrar a return in the prescribed form made up to the date of its annual general meeting.

(7) The return shall be lodged within a period of one month after the date to which it is made up or within such further period as the Registrar, in special circumstances, allows.

Suspension of
fee where
foreign
company opens
share regis-
tration office
but does not
carry on
business.

349. (1) Where, on the registration of a company as a foreign company or on the lodging by a foreign company of a notice under subsection (2) of section 347, the Registrar certifies in writing that he is satisfied that the company has established in the State a share transfer or share registration office but has not otherwise carried on, is not otherwise carrying on and does not propose otherwise to carry on business in the State—

- (a) the liability to pay such part (if any) of the fee payable under item 18 of the Second Schedule in respect of the registration as exceeds five hundred pounds; or
- (b) the liability to pay such part or amount (if any) of the fee payable under item 19 of that Schedule in respect of the lodging of the notice as would, together with the aggregate of the fee or fees previously paid under item 18 and item 19 of that Schedule and the fee or fees (if any) paid under any corresponding previous enactment upon the registration of the company and upon the registration of any increase of its nominal capital, exceed five hundred pounds,

is, by force of this section, suspended until the company commences otherwise to carry on business in the State or fails to comply with subsection (2) of this section, whichever first occurs, but thereupon the company is liable to pay to the Registrar that part or amount of that fee.

(2) A company shall, so long as a suspension under subsection (1) of this section of liability to pay any part or amount of a fee in respect of the company continues, lodge with the Registrar in each year at the time when a copy of its balance-sheet or a

return under section 348 is lodged with the Registrar a notice in the prescribed form with respect to the business being carried on in the State by the company.

(3) Where a foreign company in respect of which the Registrar has issued a certificate under subsection (1) of this section commences to carry on business in the State otherwise than by reason of establishing or using a share transfer or share registration office, the company shall, within fourteen days after so commencing, lodge with the Registrar notice thereof in the prescribed form.

350. A foreign company shall—

- (a) except in the case of a banking corporation, conspicuously exhibit outside its registered office and every place of business established by it in the State its name and the place where it is formed or incorporated ;
- (b) except in the case of a banking corporation, cause its name and the place where it is formed or incorporated to be stated in legible characters in all its bill-heads and letter paper and in all its notices, prospectuses and other official publications ; and
- (c) if the liability of its members is limited (unless the last word of its name is the word "Limited" or the abbreviation "Ltd."), cause notice of that fact—
 - (i) to be stated in legible characters in every prospectus issued by it and in all its bill-heads, letter paper, notices, and other official publications in the State ; and
 - (ii) except in the case of a banking corporation, to be exhibited outside its registered office and every place of business established by it in the State.

Obligation to state name of foreign company, whether limited, and State or country, where incorporated.
U.K. s. 411.
N.S.W. s. 69.
Vic. s. 298.
Qsld. s. 330.
S.A. s. 360.
W.A. s. 336.
Tas. s. 296.

351. Any document required to be served on a foreign company shall be sufficiently served—

- (a) if addressed to the foreign company and left at or sent by post to its registered office in the State ; or
- (b) if addressed to an agent of the company and left at or sent by post to his registered address.

Service of notice.
U.K. s. 412.
N.S.W. s. 66.
Vic. s. 299.
Qsld. s. 326.
S.A. s. 356.
W.A. s. 333.
Tas. s. 297.

PART XI.

DIVISION III.

Cesser of
business in
the State.

U.K. s. 413 (2).
N.S.W. s. 72.
Vic. s. 300.
Qld. ss. 340,
341, 341A.
S.A. ss. 361,
361a, 361b,
361c.
W.A. ss.
337-340.
Tas. s. 298.

352. (1) If a foreign company ceases to have a place of business or to carry on business in the State, it shall, within seven days after so ceasing, lodge with the Registrar notice in the prescribed form of that fact, and as from the day on which the notice is so lodged its obligation to lodge any document (not being a document that ought to have been lodged before that day) with the Registrar shall cease, and the Registrar shall upon the expiration of twelve months after the lodging of the notice remove the name of that foreign company from the register.

(2) If a foreign company goes into liquidation or is dissolved in its place of incorporation or origin—

(a) each person who immediately prior to the commencement of the liquidation proceedings was an agent of the company shall, within one month after the commencement of the liquidation or the dissolution or within such further time as the Registrar in special circumstances allows, lodge or cause to be lodged with the Registrar notice in the prescribed form of that fact and, when a liquidator is appointed, notice of such appointment; and

(b) the liquidator shall, until a liquidator for the State is duly appointed by the Court, have the powers and functions of a liquidator for the State.

(3) A liquidator of a foreign company appointed for the State by the Court or a person exercising the powers and functions of such a liquidator—

(a) shall, before any distribution of the foreign company's assets is made, by advertisement in a newspaper circulating generally in each State or Territory of the Commonwealth where the foreign company had been carrying on business prior to the liquidation if no liquidator has been appointed for that place, invite all creditors to make their claims against the foreign company within a reasonable time prior to the distribution;

(b) shall not, without obtaining an order of the Court, pay out any creditor to the exclusion of any other creditor of the foreign company;

(c) shall recover and realize the assets of the foreign company in the State and, in the case of a foreign company incorporated in any State or Territory of the Commonwealth shall, if the Court so orders and subject to such terms and conditions as the Court may impose, pay the whole or any part of the amount so recovered and realized to the liquidator of that foreign company for the place where it was formed or incorporated.

(4) Where a foreign company has been wound up so far as its assets in the State are concerned and there is no liquidator for the place of its incorporation or origin the liquidator may apply to the Court for directions as to the disposal of the net amount recovered in pursuance of subsection (3) of this section.

(5) On receipt of a notice from an agent that the company has been dissolved the Registrar shall remove the name of the company from the register.

(6) Where the Registrar has reasonable cause to believe that a foreign company has ceased to carry on business or to have a place of business in the State the provisions of this Act relating to the striking off the register of the names of defunct companies shall with such adaptations as are necessary extend and apply accordingly.

353. (1) Except with the consent of the Minister, a foreign company shall not be registered by a name that, in the opinion of the Registrar, is undesirable or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registration.

Restriction on use of certain names.

Vic. s. 301.
Qsld. s. 334.
S.A. ss. 27 (4),
27a (2).
Tas. s. 299.

(2) Except with the consent of the Minister, any change in the name of a foreign company shall not be registered if in the opinion of the Registrar the new name of the company is undesirable or is a name, or a name of a kind, that the Minister has directed the Registrar not to accept for registration, notwithstanding that particulars of the change have been lodged in accordance with section 347.

(3) No foreign company to which this Division applies shall use in the State any name other than that under which it is registered under this Division or under any other Act.

(4) If there is any contravention of subsection (3) of this section the foreign company, every officer of the company who is in default and every agent of the company who knowingly and wilfully authorizes or permits the contravention shall be guilty of an offence against this Act.

Penalty: One hundred pounds. Default penalty.

354. (1) Subject to this section, a foreign company which has a share capital and has any member who is resident in the State, shall keep at its registered office in the State or at some other place in the State a branch register for the purpose of registering shares of members resident in the State who apply to have the shares registered therein.

The branch register.
S.A. ss. 358a,
358c.

(2) The company shall not be obliged to keep a branch register pursuant to subsection (1) of this section until after the expiration of one month in the case of a foreign company

incorporated within the Commonwealth and two months in the case of any other foreign company from the receipt by it of an application in writing by a member resident in the State for registration in its branch register in the State of the shares held by the member.

(3) If default is made in complying with subsection (1) of this section, the foreign company, every officer of the company who is in default and every agent of the company who knowingly and wilfully authorizes or permits the default shall be guilty of an offence against this Act.

Penalty: Fifty pounds. Default penalty.

(4) This section shall not apply to any foreign company which by its constitution prohibits any invitation to the public to subscribe for shares in the company.

(5) Every such register shall be kept in the manner provided by Division IV of Part V as though the register were the register of a company and transfers shall be effected on such register in the same manner and at the same charges as on the principal register of the company and transfers lodged at its registered office in the State shall be binding on the company and the Court shall have the same powers in relation to rectification of the register as it has in respect of the register of a company incorporated in the State.

(6) Where a foreign company opens a branch register in the State it shall, within fourteen days after the opening thereof, lodge with the Registrar notice in the prescribed form of that fact specifying the address where the register is kept and where immediately before the commencement of this Act, a foreign company was maintaining a branch register in the State and was maintaining it on the date of commencement of this Act, it shall, for the purposes of this subsection, be deemed to have opened the branch register on that date.

(7) Where any change is made in the place where the register is kept or where the register is discontinued the company shall, within fourteen days of the change or discontinuance, lodge notice in the prescribed form of the change or discontinuance with the Registrar.

(8) Where a company or corporation is entitled pursuant to a law of the place of incorporation of a foreign company corresponding with section 185 to give notice to a dissenting shareholder in that foreign company that it desires to acquire any of his shares registered on a branch register kept in the State, this section shall cease to apply to that foreign company until—

(a) the shares have been acquired; or

(b) that company or corporation has ceased to be entitled to acquire the shares.

PART XI.

DIVISION III.

355. Subject to this Act, on application in that behalf by a member resident in the State the foreign company shall register in a branch register of the company the shares held by that member which are registered in any other register kept by the company.

Registration of shares in branch register.
S.A. s. 358b (1).

356. Subject to this Act, on application in that behalf by a member holding shares registered in a branch register, the foreign company shall remove the shares from the branch register and register them in such other register as is specified in the application.

Removal of shares from branch register.
S.A. s. 358b (2).

357. Sections 151, 152 and 153 shall, with such adaptations as are necessary, apply respectively to the index of persons holding shares in a branch register and to the inspection and the closing of the register.

Index of members, inspection and closing of branch registers.
S.A. ss. 358d, 358e, 358f.

358. Sections 95 and 96, subsection (1) of section 97, subsections (1) and (3) of section 99 and section 155 shall apply with necessary adaptations with respect to the transfer of shares on and the rectification of the branch register of a foreign company.

Application of provisions of Act relating to transfer.
S.A. ss. 358g, 358j-358l.

359. A branch register shall be *prima facie* evidence of any matters by this Division directed or authorized to be inserted therein.

Branch register to be *prima facie* evidence.
S.A. s. 358i.

360. A certificate under the seal of a foreign company specifying any shares held by any member of that company and registered in the branch register shall be *prima facie* evidence of the title of the member to the shares and the registration of the shares in the branch register.

Certificate, re share holding.
S.A. s. 358m (2).

361. If default is made by any foreign company in complying with any provisions of this Division other than a provision in which a penalty or punishment is expressly mentioned the company and every officer of the company who is in default and every agent of the company who knowingly and wilfully authorizes or permits the default shall be guilty of an offence against this Act.

Penalties.
Vic. s. 302.
S.A. s. 363 (2).

Penalty : Fifty pounds. Default penalty.

PART XII.
DIVISION I.

PART XII.
GENERAL.

DIVISION I.—ENFORCEMENT OF ACT.

Service of documents on company.
U.K. s. 437.
N.S.W. s. 359.
Vic. s. 252.
Qld. s. 380.
S.A. s. 375 (1).
W.A. s. 410 (1).
Tas. s. 306.

362. A document may be served on a company by leaving it at or sending it by post to the registered office of the company.

Security for costs.
U.K. s. 447.
N.S.W. s. 360.
Vic. s. 253.
Qld. s. 372.
S.A. s. 381.
W.A. s. 416.
Tas. s. 307.

363. (1) Where a company is plaintiff in any action or other legal proceeding the court having jurisdiction in the matter may, if it appears by credible testimony that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs and stay all proceedings until the security is given.

Costs.
N.S.W. s. 365
(2).

(2) The costs of any proceeding before a court under this Act shall be borne by such party to the proceeding as the court may, in its discretion, direct.

Disposal of shares of shareholder whose whereabouts unknown.

364. (1) Where by the exercise of reasonable diligence a company is unable to discover the whereabouts of a shareholder for a period of not less than ten years the company may cause an advertisement to be published in a daily newspaper circulating in the place shown in the register of members as the address of the shareholder stating that the company after the expiration of one month from the date of the advertisement intends to transfer the shares to The Treasurer of South Australia.

(2) If after the expiration of one month from the date of the advertisement the whereabouts of the shareholder remain unknown, the company may transfer the shares held by the shareholder in the company to The Treasurer of South Australia and for that purpose may execute for and on behalf of the owner a transfer of those shares to the Treasurer.

(3) The Treasurer shall sell or dispose of any shares so received in such manner and at such time as he thinks fit and shall deal with the proceeds of the sale as if they were moneys paid to him pursuant to the provisions of the law relating to unclaimed moneys.

365. (1) If in any proceeding for negligence, default, breach of duty or breach of trust against a person to whom this section applies it appears to the court before which the proceedings are taken that he is or may be liable in respect thereof but that he has acted honestly and reasonably and that, having regard to all the circumstances of the case including those connected with his appointment, he ought fairly to be excused for the negligence, default or breach, the court may relieve him either wholly or partly from his liability on such terms as the court thinks fit.

(2) Where any person to whom this section applies has reason to apprehend that any claim will or might be made against him in respect of any negligence, default, breach of duty or breach of trust he may apply to the Court for relief, and the Court shall have the same power to relieve him as under this section it would have had if it had been a court before which proceedings against him for negligence, default, breach of duty or breach of trust had been brought.

(3) Where any case to which subsection (1) of this section applies is being tried by a judge with a jury, the judge after hearing the evidence may, if he is satisfied that the defendant ought in pursuance of that subsection to be relieved either in whole or in part from the liability sought to be enforced against him, withdraw the case in whole or in part from the jury and forthwith direct judgment to be entered for the defendant on such terms as to costs or otherwise as the judge thinks proper.

(4) The persons to whom this section applies are—

- (a) officers of a corporation ;
- (b) persons employed by a corporation as auditors, whether they are or are not officers of the corporation ;
- (c) experts within the meaning of this Act ; and
- (d) any persons who are receivers, receivers and managers or liquidators appointed or directed by the Court to carry out any duty under this Act in relation to a corporation and all other persons so appointed or so directed.

366. (1) No proceeding under this Act shall be invalidated by any defect, irregularity or deficiency of notice or time unless the Court is of opinion that substantial injustice has been or may be caused thereby which cannot be remedied by any order of the Court.

(2) The Court may if it thinks fit make an order declaring that such proceeding is valid notwithstanding any such defect, irregularity or deficiency.

(3) Without affecting the generality of subsection (1) and subsection (2) of this section or of any other provision of this Act, where any omission, defect, error or irregularity (including the absence of a quorum at any meeting of the company or of the directors) has occurred in the management or administration of a company whereby any breach of any of the provisions of this Act has occurred, or whereby there has been default in the observance of the memorandum or articles of the company or whereby any proceedings at or in connection with any meeting of the company or of the directors thereof or any assemblage purporting to be such a meeting have been rendered ineffective including the failure to make or lodge any declaration of solvency pursuant to section 257, the Court—

- (a) may, either of its own motion or on the application of any interested person, make such order as it thinks fit to rectify or cause to be rectified or to negative or modify or cause to be modified the consequences in law of any such omission, defect, error or irregularity, or to validate any act, matter or thing rendered or alleged to have been rendered invalid by or as a result of any such omission, defect, error or irregularity ;
- (b) shall, before making any such order, satisfy itself that such an order would not do injustice to the company or to any member or creditor thereof ;
- (c) where any such order is made, may give such ancillary or consequential directions as it thinks fit ; and
- (d) may determine what notice or summons is to be given to other persons of the intention to make any such application or of the intention to make such an order, and whether and how it should be given or served and whether it should be advertised in any newspaper.

(4) The Court (whether the company is in process of being wound up or not) may enlarge or abridge any time for doing any act or taking any proceeding allowed or limited by this Act or any rules or regulations thereunder upon such terms (if any) as the justice of the case may require and any such enlargement may be ordered although the application for the same is not made until after the time originally allowed or limited.

367. No inspector appointed under this Act shall require disclosure by a duly qualified legal practitioner of any privileged communication made to him in that capacity, except as respects the name and address of his client.

PART XII.
DIVISION I.Production
and inspection
of books where
offence
suspected.U.K. s. 441.
Vic. s. 258.
Tas. s. 311.

368. (1) If on an application made to a judge of the Court in chambers by the Minister there is shown to be reasonable cause to believe that any person has, while an officer of a company, committed an offence in connection with the management of the company's affairs and that evidence of the commission of the offence is to be found in any books or papers of or under the control of the company, an order may be made—

- (a) authorizing any person named therein to inspect such books or papers or any of them for the purpose of investigating and obtaining evidence of the offence ;
or
- (b) requiring the secretary or such other officer as is named in the order to produce such books or papers or any of them to a person named in the order at a place so named.

(2) No appeal shall lie against any order or decision of a judge on or in relation to an application under this section.

369. (1) For the purposes of this Act any register, index, minute book or book of account may be kept either by making entries in a bound book or by recording the matters in question in any other manner.

Form of
registers, etc.
U.K. s. 436.
Vic. s. 3 (3).
S.A. s. 139 (4).
W.A. s. 434.
Tas. s. 3 (3).
(4).

(2) Where any register, index, minute book or book of account required by this Act to be kept is not kept by making entries in a bound book, but by some other means, reasonable precautions shall be taken for guarding against falsification and for facilitating its discovery, and where default is made in complying with this subsection the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

370. (1) Any register, minute book or document of a corporation which is by this Act required to be available for inspection shall, subject to and in accordance with this Act, be available for inspection at the place where in accordance with this Act it is kept during the hours when the registered office of the corporation in the State is accessible to the public.

Inspection of
registers.
Vic. s. 95 (4).
S.A. ss. 94 (1),
122 (1), 140 (1),
165 (3).

(2) Any person permitted by this Act to inspect any register, minute book or document of a corporation may make copies of or take extracts from it and any officer of the corporation who fails to allow any person so permitted to make a copy of or take extracts from the register, minute book or document as the case may be shall be guilty of an offence against this Act.

PART XII.

DIVISION I.

Translations of instruments.

371. (1) Where under this Act a corporation is required to lodge with the Registrar any instrument, certificate, contract or document or a certified copy thereof and the same is not written in the English language the corporation shall lodge at the same time with the Registrar a certified translation thereof.

(2) Where under this Act a corporation is required to make available for public inspection any instrument, certificate, contract or document and the same is not written in the English language, the corporation shall keep at its registered office in the State a certified translation thereof.

Certificate of incorporation conclusive evidence.

U.K. s. 15.
N.S.W. s. 30
(1).
Vic. s. 14 (4).
Qsld. s. 27.
S.A. s. 25 (1) (b)
W.A. s. 26 (1).
Tas. s. 14 (4).

372. A certificate of incorporation under the hand and seal of the Registrar shall be conclusive evidence that all the requirements of this Act in respect of registration and of matters precedent and incidental thereto have been complied with, and that the company referred to therein is duly incorporated under this Act.

Court may compel compliance.

N.S.W. s. 101.
Vic. s. 95 (5).
S.A. ss. 94 (6),
122 (4), 140 (4),
165 (5).

373. If any person in contravention of this Act refuses to permit the inspection of any register, minute book or document or to supply a copy of any register, minute book or document, the Court may by order compel an immediate inspection of the register, minute book or document or order the copy to be supplied.

DIVISION II.

DIVISION II.—OFFENCES.

Restriction on offering shares, debentures, etc., for subscription or purchase.

N.S.W. s. 343.
Vic. s. 259.
Qsld. s. 368.
S.A. s. 368.
W.A. s. 369.
Tas. s. 313.

374. (1) A person shall not, whether by appointment or otherwise, go from place to place offering shares for subscription or purchase to the public or any member of the public.

(2) Subsection (1) of this section shall not apply in the case of the shares of any corporation which, after notice in the prescribed form of intention to apply for exemption from the provisions of subsection (1) of this section has been advertised in the *Government Gazette* and in a daily newspaper circulating generally throughout the State, has applied to the Governor for such exemption and the application has on the recommendation of the Minister been granted, but such exemption may at any time be revoked by Order of the Governor published in the *Government Gazette*.

(3) A person shall not make an offer in writing to any member of the public (not being a person whose ordinary business it is to buy or sell shares, whether as principal or agent) of any shares for purchase, unless the offer is accompanied by a statement in writing (which shall be signed by the person making the offer and dated) containing such particulars as are required by this

s. 374. *MADDAFORD V. DE VANTEE* (1951) S.A.S.R. 259. Held that an offer to enter into a certain contract with a company was not an offer of "shares" within the meaning of section 368 of the Companies Act, 1934.

section to be included therein and otherwise complying with the requirements of this section, or, in the case of shares in a corporation formed or incorporated outside the State, either by such a statement, or by such a prospectus as complies with this Act.

(4) Subsection (3) of this section shall not apply—

- (a) where the shares to which the offer relates are shares of a class which are quoted on, or in respect of which permission to deal has been granted by, any prescribed Stock Exchange in the State and the offer so states and specifies the Stock Exchange ;
- (b) where the shares to which the offer relates are shares which a corporation has allotted or agreed to allot with a view to their being offered for sale to the public and such offer is accompanied by a document that complies with all enactments and rules of law as to prospectuses ; or
- (c) where the offer relates to—
 - (i) an interest to which the provisions of Division V of Part IV apply and is accompanied by a statement in writing as required by that Division ; or
 - (ii) deposits with or loans to a corporation of the kind referred to in subsection (4) of section 38.

(5) The statement referred to in subsection (3) of this section shall not contain any matter other than the particulars required by this section to be included therein, and shall not be in characters less large or less legible than any characters used in the offer or in any document sent therewith.

(6) The statement referred to in subsection (3) of this section shall contain particulars as to—

- (a) whether the person making the offer is acting as principal or agent and, if as agent—
 - (i) the name of his principal ;
 - (ii) an address in the State where that principal can be served with process ; and
 - (iii) particulars as to the remuneration payable by the principal to the agent ;
- (b) the date on which and the place where the corporation was incorporated and the address of its registered or principal office in its place of incorporation and in the State ;

- (c) the authorized share capital of the corporation, its issued share capital, its paid up share capital and the classes into which its share capital is divided and the rights of each class of shareholders in respect of capital, dividends and voting ;
- (d) the dividends (if any) paid by the corporation on each class of shares during each of the five financial years immediately preceding the offer, and if no dividend has been paid in respect of shares of any particular class during any of those years, a statement to that effect ;
- (e) the total amount of any debentures issued by the corporation and outstanding at the date of the statement, together with the rate of interest payable thereon ;
- (f) the names and addresses of the directors ;
- (g) whether or not the shares offered are fully paid up and if not, to what extent they are paid up ;
- (h) whether or not the shares are quoted on, or permission to deal therein has been granted by, any prescribed Stock Exchange in the Commonwealth or elsewhere, and (if so) which, and (if not) a statement that they are not so quoted or that no such permission has been granted ;
- (i) where the offer relates to units, particulars of the names and addresses of the persons in whom the shares represented by the units are vested, the date of and the parties to any document defining the terms on which those shares are held, and an address in the State where that document or a copy thereof can be inspected ; and
- (j) the last audited balance-sheet of the corporation.

(7) In subsection (6) of this section "corporation" means the corporation by which the shares to which the statement relates were or are to be issued.

(8) Every person who acts, or incites, causes or procures any person to act, in contravention of this section shall be guilty of an offence against this Act.

Penalty : Six months' imprisonment or two hundred pounds or both, and, in the case of a second or subsequent offence, twelve months' imprisonment or five hundred pounds or both.

(9) Where a person convicted of an offence under this section is a corporation, every officer concerned in the management of the corporation shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

(10) Where any person is convicted of having made an offer in contravention of this section, the court before which he is convicted may order that any contract made as a result of the offer shall be void and may give such consequential directions as it thinks proper for the repayment of any money or the retransfer of any shares; and an appeal against the order and any consequential directions shall lie to the Court.

(11) In this section—

“shares” means shares of a corporation whether a corporation in existence or to be formed and includes debentures and units and (without affecting the generality of the expression “debentures”) all such documents (including those referred to as “bonds”) as confer or purport to confer on the holder thereof any claim against a corporation, whether such claim is present or future or certain or contingent or ascertained or sounding only in damages and also includes interests to which the provisions of Division V of Part IV apply.

(12) In this section a reference to an offer or offering of shares for subscription or purchase shall be construed as including an offer of shares by way of barter or exchange and a reference to an offer in writing of shares shall be construed as including an offer by means of broadcasting, television or cinematograph; but where an offer is made by means of broadcasting, television or cinematograph, the statement or prospectus by which the offer is required to be accompanied by virtue of subsection (3) of this section shall be deemed to accompany the offer if—

- (a) the statement or prospectus is prepared by the person on whose behalf the offer is made;
- (b) the public are informed at the same time and by the same means as that by which the offer is made that a copy of the statement or prospectus will be supplied on request being made at a specified address; and
- (c) where a request for a copy of a statement or prospectus is made at that address within one month after the offer was made, the person making the request is supplied with a copy within seven days after the request was made.

(13) For the purposes of this section a person shall not in relation to a corporation be regarded as not being a member of the public by reason only that he is a holder of shares in the corporation or a purchaser of goods from the corporation.

(14) The provisions of this section do not apply to any offer of—

(a) a right arising out of a document issued by a society as defined in the Friendly Societies Act, 1919-1956, as amended, conferring or purporting to confer on the holder thereof any claim against the society ;

(b) a share in—

(i) an industrial and provident society registered or deemed to be registered under the Industrial and Provident Societies Act, 1923-1958, as amended ; or

(ii) a society registered or deemed to be registered under The Building Societies Act, 1881-1938, as amended ; or

(c) any right or interest under a contract of insurance.

False and misleading statements and frauds in connection with shares, debentures, etc.

U.K. s. 438.
Vic. s. 260.
Qsld. s. 376.
S.A. s. 387,
388, 389.
W.A. s. 422.
Tas. s. 315.

375. (1) Every corporation which advertises, circulates or publishes any statement of the amount of its capital which is misleading or in which the amount of nominal or authorized capital is stated without the words “nominal” or “authorized”, or in which the amount of capital or authorized or subscribed capital is stated but the amount of paid up capital or the amount of any charge on uncalled capital is not stated, and every officer of the corporation who knowingly authorizes, directs or consents to such advertising, circulation or publication shall be guilty of an offence against this Act.

(2) Every person who in any return, report, certificate, balance-sheet or other document required by or for the purposes of this Act wilfully makes a statement false in any material particular knowing it to be false shall be guilty of an offence against this Act and be liable—

(a) on conviction on indictment, to imprisonment for a term of two years or to a fine of five hundred pounds or both ; or

(b) on summary conviction, to imprisonment for a term of six months or to a fine of two hundred pounds or both.

(3) A person who, by any false pretence or fraudulent promise, persuades or attempts to persuade any person—

- (a) to apply for, subscribe for, underwrite, obtain, or to agree to apply for, subscribe for, underwrite, or obtain any share, debenture or other interest in any corporation or in the assets of a corporation, or any interest to which the provisions of Division V of Part IV apply ;
- (b) to lend or agree to lend any money to any corporation ;
- (c) to transfer or agree to transfer any property or interest to any corporation ; or
- (d) to undertake or agree to undertake any liability for or on account of any corporation or from which undertaking any corporation may derive benefit,

shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years or five hundred pounds.

(4) A director or manager of a corporation who aids, abets, counsels, or procures or knowingly permits an officer or agent of the corporation to make any false pretence or fraudulent promise referred to in subsection (3) of this section shall be guilty of an offence against this Act.

Penalty : Imprisonment for two years or five hundred pounds.

(5) In subsections (3) and (4) of this section, "corporation" includes a proposed corporation.

376. (1) No dividend shall be payable to the shareholders of any company except out of profits or pursuant to section 60.

Dividends
payable
from profits
only.

Vic. s. 281.
Tas. s. 316.

(2) Every director or manager of a company who wilfully pays or permits to be paid any dividend out of what he knows is not profits except pursuant to section 60—

- (a) shall without prejudice to any other liability be guilty of an offence against this Act ; and
- (b) shall also be liable to the creditors of the company for the amount of the debts due by the company to them respectively to the extent by which the dividends so paid have exceeded the profits and such amount may be recovered by the creditors or the liquidator suing on behalf of the creditors.

Penalty : Five hundred pounds.

(3) If the whole amount is recovered from one director or from the manager he may recover contribution against any other person liable who has directed or consented to such payment.

(4) No liability by this section imposed on any person shall on the death of such person extend or pass to his executors or administrators nor shall the estate of any such person after his decease be made liable under this section.

(5) In this section "dividend" includes bonus and payment by way of bonus.

377. If any person carries on business under any name or title of which "Limited" or "No Liability" or any abbreviation thereof is the final word or abbreviation, the person shall, unless duly incorporated with limited liability or (as the case may be) no liability, be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

378. (1) A company shall not use the word "Proprietary" or any abbreviation thereof as part of its name if it does not fulfil the requirements required by this Act to be fulfilled by proprietary companies.

(2) Every company and every officer of a company who commits, causes, directs, or authorizes a breach of this section shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

379. (1) A person who—

(a) does that which by or under this Act he is forbidden to do ; or

(b) does not do that which by or under this Act he is required or directed to do ; or

(c) otherwise contravenes or fails to comply with any provision of this Act,

shall be guilty of an offence against this Act.

(2) A person who is guilty of an offence against this Act shall be liable on conviction to a penalty or punishment not exceeding the penalty or punishment expressly mentioned as the penalty or punishment for the offence, or if a penalty or punishment is not so mentioned, to a penalty not exceeding fifty pounds.

(3) The penalty (other than a default penalty) or punishment, pecuniary or other, set out in, or at the foot of, any section or part of a section of this Act shall indicate that the offence is punishable upon conviction by a penalty or punishment not exceeding that so set out and where the penalty or punishment is expressed to apply to a part only of the section, it shall apply to that part only.

Penalty for improper use of words "Limited" and "No Liability".

U.K. s. 489.
N.S.W. s. 33.
Vic. s. 262.
Qsld. s. 369.
S.A. s. 390.
W.A. s. 423.
Tas. s. 317.

Restriction on use of word "Proprietary".

Vic. s. 22 (2).
Qsld. s. 29 (1).
S.A. ss. 27 (2) (d), 41 (2).

General penalty provisions.

Vic. s. 263.
S.A. s. 391.
W.A. s. 424.
Tas. s. 318.

Default penalties.
 U.K. s. 440.
 N.S.W. s. 355.
 Vic. s. 264.
 Qld. s. 378.
 S.A. s. 392.
 Tas. s. 319.

380. (1) Where in, or at the foot of, any section or part of a section of this Act there appears the expression "Default Penalty", it shall indicate that any person who is convicted of an offence against this Act in relation to that section or part shall be guilty of a further offence against this Act if the offence continues after he is so convicted and liable to an additional penalty for each day during which the offence so continues of not more than the amount expressed in the section or part as the amount of the default penalty or, if an amount is not so expressed, of not more than ten pounds.

(2) Where any offence is committed by a person by reason of his failure to comply with any provisions of this Act by or under which he is required or directed to do anything within a particular period, that offence, for the purposes of subsection (1) of this section shall be deemed to continue so long as the thing so required or directed to be done by him remains undone, notwithstanding that such period has elapsed.

(3) For the purposes of any provision of this Act which provides that an officer of a company or corporation who is in default is guilty of an offence against this Act or is liable to a penalty or punishment, the phrase "officer who is in default" or any like phrase means any officer of the company or corporation who knowingly and wilfully—

(a) commits or is guilty of the offence ; or

(b) authorizes or permits the commission of the offence.

381. (1) No person shall, whether as principal or agent, sell or offer for sale, or agree to sell or attempt to sell, any shares in any corporation or proposed corporation, if any of the objects of the corporation or proposed corporation is to do any act or carry on any business within or outside the State, which act or business would, if done or carried on within the State, be illegal.

Restriction on sale of shares in companies with illegal objects.
 S.A. s. 369.

Penalty : One hundred pounds.

(2) A document purporting to be a memorandum or proposed memorandum of association of a corporation or proposed corporation shall be *prima facie* evidence in any court of the existence of, or proposal to form, the corporation, as the case may be, and of the contents of its memorandum or proposed memorandum of association, and of the fact that its objects are those stated in the memorandum or proposed memorandum.

PART XII.

DIVISION II.

Proceedings
under this Act.
U.K. ss. 442,
445.
Vic. s. 265.
Qsld. ss. 370,
371.
S.A. ss. 393-396
Tab. s. 320.

382. (1) Except where provision is otherwise made in this Act proceedings for any offence against this Act may be taken by the Registrar or with the written consent of the Minister by any person.

(2) Notwithstanding anything in any Act, proceedings for any offence against this Act may be brought within the period of three years after the commission of the alleged offence or, with the consent of the Minister, at any later time.

(3) Proceedings in respect of any offence against this Act or against any provision thereof made punishable by any penalty (not being an offence expressed to be punishable on conviction on indictment) shall, unless otherwise provided, be disposed of summarily by a court of summary jurisdiction as defined in the Justices Act, 1921-1960, as amended, constituted by a special magistrate, and not otherwise.

(4) In any proceedings in respect of any offence against this Act or against any provision thereof, an allegation in the information or complaint—

(a) that a company or corporation is or was at any specified time registered under this Act by a particular name or is or was at any specified time a company or corporation (as the case may be) to which this Act or any specified provision thereof applies ;

(b) that the defendant, or a person named in the complaint or information, is or at a specified time was a director, or a manager or an officer of a company or corporation named in the complaint or information ; or

(c) that any meeting of the shareholders or creditors of a company or corporation required by a specified provision of this Act to be held within any particular time has not been held as required by that provision, shall be deemed to be proved in the absence of satisfactory proof by the defendant to the contrary.

(5) A document purporting to be a consent of the Minister to the taking of proceedings for any offence against this Act or to the bringing of proceedings for such an offence at any time later than the period of three years after the commission of the alleged offence shall be *prima facie* evidence in any court of such consent.

(6) Any court imposing any penalty under this Act may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings or in payment of such compensation to the person on whose information or complaint the penalty is recovered as the court thinks proper in the circumstances.

S.A. s. 396.

S.A. s. 394.

DIVISION III.—MISCELLANEOUS.

DIVISION III.

383. (1) Except in so far as this Act or any other Act expressly provides otherwise, this Act shall not apply to—

Application of Act to Associations, Societies and other corporations
S.A., s. 3.

- (a) any association incorporated or deemed to be incorporated under the Associations Incorporation Act, 1956, as amended ;
- (b) any society registered or deemed to be registered under The Building Societies Act, 1881-1938, as amended ;
- (c) any industrial and provident society registered or deemed to be registered under the Industrial and Provident Societies Act, 1923-1958, as amended (in this section called an industrial and provident society) ;
- (d) any society as defined in the Friendly Societies Act, 1919-1956, as amended ; and
- (e) any benefit association as defined in the Benefit Associations Act, 1958, as amended.

(2) Section 9, sections 37 to 43 (both inclusive) and sections 45 to 49 (both inclusive) shall, so far as applicable and with such adaptations as are necessary, extend and apply to and in relation to every industrial and provident society as if the society were a company or a corporation, as the case may be.

(3) Division VII of Part IV and Part VIII shall so far as applicable and with such adaptations as are necessary, extend and apply to and in relation to an industrial and provident society and to such corporations, associations and societies whatsoever as are specified for the purpose of this subsection by order of the Governor published in the *Government Gazette* as if the industrial and provident society and those corporations, associations and societies were companies.

384. (1) The Registrar shall not register any company if any of the objects of the company is to do any act outside the State or to carry on any business outside the State which act or business would, if done or carried on within the State, be illegal.

Registration to be refused in certain cases.
S.A. s. 322.

(2) The Registrar may apply to the Court for the winding up of a company in the same manner as any creditor may apply under Part X for the winding up of a company—

Registrar may apply to Court for winding up company in certain cases.
S.A. s. 323.

- (a) where the company has as any of its objects an illegal object ; or
- (b) where the company is carrying on any illegal business or object.

(3) The provisions of Part X, in so far as they provide for a winding up by the Court, shall apply to and in relation to any application by the Registrar under subsection (2) of this section.

Mortgaging of shares by deposit.
S.A. s. 386

385. (1) Where, whether before or after the commencement of this Act—

- (a) a share certificate has been deposited as security for the payment of any sum of money ; and
- (b) notice in writing has been given by or on behalf of the depositee to the company that the certificate has been lodged as security for the payment of the sum of money specified in the notice ; and
- (c) the shares in respect of which the share certificate was issued by the company are specifically identified in the notice by the numbers thereof, if any,

any lien of the company, and any right of the company arising after the receipt by the company of the notice to payment by the registered holder of the shares of any sum or sums of money before the holder of such shares becomes entitled to participate in the profits or assets of the company, shall not (except to the amount, if any, unpaid on the shares and interest thereon, and any tax or duty imposed or charged on or against such shares or any dividends or interest therein or thereon which the company may collect from the shareholder whether becoming payable before or after such notice) have priority to the rights of the depositee to participate in the profits or assets of the company under or by virtue of the security.

(2) Subsection (1) of this section does not limit or restrict any other rights or remedies the company may have against the registered holder of the shares.

(3) Notwithstanding the provisions of subsection (1) of this section, any advances made by or moneys becoming secured to the person entitled to the security notified as provided in that subsection after notice that a lien, charge or set-off has arisen in favour of the company, whether by act of any person or by operation of law, shall be postponed to the company's lien, charge or set-off.

Non-application of rule against perpetuities to certain schemes.

N.S.W. s. 34
S.A. s. 402.

386. (1) The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to the trusts of any fund or scheme for the benefit of any employees of a company whether the fund or scheme was established before or after the commencement of this Act.

(2) In this section—

“company” includes any company or society formed, whether before or after the commencement of this Act, in pursuance of any Act or Imperial Act or of letters patent or royal charter or otherwise duly constituted according to law, and a foreign company :

“fund or scheme” includes any provident, superannuation, sick, accident, assurance, unemployment, pension, co-operative, benefit, or other like fund, scheme, arrangement or provision :

“employees” includes directors and any persons at any time in the employment of a company and their wives, children, grandchildren, parents and other dependants and any other persons entitled to or capable of receiving any benefit under any fund or scheme.

(3) The provisions of this section do not affect the operation of section 62a of the Law of Property Act, 1936-1960, as amended.

387. Where a statutory declaration is required to be made for the purposes of a provision of this Act, a declaration for the purposes of that provision purporting to be made at a place outside the State in accordance with the requirements of the law of that place relating to similar declarations shall, for the purposes of that provision, be deemed to be a statutory declaration.

Statutory
declarations.
A.C.T. s. 384

388. Where, under this Act, the Court orders a meeting to be summoned, the Court may, subject to this Act, give such directions with respect to the summoning, holding or conduct of the meeting, and such ancillary or consequential directions in relation to the meeting, as it thinks fit.

Power of
Court to give
directions with
respect to
meetings
ordered by
Court.
A.C.T. s. 388.

389. Subject to rules of Court—

(a) any order made by the Court under this Act may be enforced in the same manner as orders of the Court made in matters within its ordinary jurisdiction may be enforced ; and

(b) an appeal from any order or decision made or given by the Court under this Act shall lie in the same manner and subject to the same conditions as an appeal from any order or decision of the Court in matters within its ordinary jurisdiction.

Orders and
decisions of
the Court.
S.A. s. 376.

390. (1) Where any person has obtained a judgment or order in a local court against a company for the payment of any sum of money not exceeding two hundred pounds, or who has obtained any judgment, decree, or order of the Supreme Court or a court of competent jurisdiction for the payment by a company of any sum not exceeding two hundred pounds which sum has not been paid, the party entitled to the benefit of such judgment, order, or decree may serve on the company by leaving it at the registered office of the company a notice requiring the company to pay the amount so due.

(2) If the company for seven days thereafter neglects to pay the amount so due or to secure or compound for it to the reasonable satisfaction of the party giving the notice, such party may apply to the local court having jurisdiction as provided by subsection (2) of section 175 of the Local Courts Act, 1926-1959, as amended, to issue a judgment summons as provided by section 175 of that Act, against any person proved to be a director or manager or secretary of the company.

(3) Upon an application under subsection (2) of this section the local court shall have jurisdiction to issue a judgment summons against any director, manager, or secretary, of the company in the same manner as if the director, manager, or secretary were a party liable to pay the amount due under the judgment, order or decree.

(4) Any judgment summons issued as aforesaid shall have the same effect, and the person to whom it is directed shall obey the same and be subject to the same obligations and penalties, as if he were a party liable to pay the amount so due, except that, for the purposes of this section—

- (a) he shall not be personally liable to pay any part of the amount due except out of the moneys of the company in his hands or subject to his control ;
- (b) he shall not be liable to be imprisoned by virtue of the operation of paragraphs (d) to (i), both inclusive, of section 178 of the Local Courts Act, 1926-1959, as amended ; and
- (c) the provisions of subsection (5) of this section shall be substituted for section 177 of the Local Courts Act, 1926-1959, as amended, which shall not apply.

(5) At the hearing of the summons—

- (a) the person summoned may be examined upon oath touching the company's estate and effects and whether any and what debts are owing or accruing due to the company, as to the property and means

the company has of discharging the judgment, order, or decree, and as to the disposal or dealings of the company with any of its assets, and as to the whereabouts of any chattel detained or specific goods ordered to be delivered, as to what inquiries he has made under paragraph (c) of this subsection and upon such other matters relating to the company as are prescribed by rules under the Local Courts Act, 1926-1959, as amended, or are specified in the summons ;

- (b) the court may hear such evidence in relation to the matters referred to in paragraph (a) of this subsection as it thinks fit ;
- (c) if the person summoned has no personal knowledge of the matters referred to in paragraphs (a) and (b) of this subsection or of any matter upon which he may be examined, he shall make inquiries of the officers or servants of the company to enable him to fully answer all such matters ; and
- (d) the court may order the company to pay the judgment debts at such times or in such instalments as it thinks fit, and may make an order under section 185 of the Local Courts Act, 1926-1959, as amended, in the same manner as if the company were a judgment debtor orally examined on the hearing of an unsatisfied judgment summons.

(6) Any officer of a company summoned under the provisions of this section and the company may be represented by counsel or a solicitor on any hearing under this section and may adduce evidence at the hearing.

(7) In this section the word “company” includes any company or corporation however incorporated, registered in or carrying on business in this State whether a company or corporation within the meaning of this Act or not.

391. (1) Any transfer of a share in any company to an infant for the purpose of avoiding or evading liability with regard to such share, shall not relieve the transferor of any such liability.

Transfer to
avoid
liability.
S.A. s. 385.

(2) No transfer of a share in any company made for the purpose of avoiding or evading liability with regard to such share shall relieve the transferor of any such liability, if the transfer is made to any person for a nominal consideration, or

PART XII.

DIVISION III.

for no consideration, or for valuable consideration expressed, but not paid to the transferor, or for a consideration paid to the transferee, or with a trust or reservation expressed, or implied, for the benefit of the transferor, or to a person known to the transferor to be unable to pay the liability on such share, unless such transfer has been made and registered two years before the company is wound up.

Powers of certain foreign corporations.
S.A. s. 400.

392. Where by any private Act, whether passed before or after this Act, powers have been conferred on any corporation incorporated outside the State, the express grant of powers to the corporation by the private Act shall not be held to restrict by implication any other powers of the corporation.

Arbitration and conciliation.
S.A. s. 174.

393. (1) A corporation may, by writing under its common seal, agree to refer and may refer to arbitration, in accordance with the Arbitration Act, 1891-1934, as amended, any existing or future difference between itself and any other corporation or person, and that Act shall apply to every such arbitration as if the reference to arbitration were a submission as defined in that Act.

(2) The parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any forms, order anything to be done, or determine any matter capable of being lawfully settled, done or determined, as the case may be, by the parties to the reference themselves, and, where a party to the reference is a corporation, by the directors or other managing body of the corporation.

(3) A corporation may submit any difference between itself and any other person for adjudication or conciliation under section 34 of the Local Courts Act, 1926-1959, as amended or under the Conciliation Act, 1929, as amended.

Moneys to be provided by Parliament.

394. All moneys necessary for the administration of this Act and for giving effect to the objects thereof shall be paid out of money to be voted by Parliament for the purpose.

Rules.
N.S.W. s. 380
(2).
Vic. s. 10.
Qsld. s. 384.
S.A. s. 372.
W.A. s. 407.
Tas. s. 323.

395. (1) The Judges of the Court, may, subject to and in accordance with the Supreme Court Act, 1935-1960, as amended, make rules—

(a) with respect to proceedings and the practice and procedure of the Court under this Act ;

- (b) with respect to any matter or thing which is by this Act required or permitted to be prescribed by rules ; and
- (c) without limiting the generality of the provisions of this section, with respect to costs, rules as to meetings ordered by the Court, fees to be paid in respect of proceedings before the Court, and the manner in which the jurisdiction of the Court under this Act is to be exercised, and whether it is to be exercised in Court or in Chambers, or by a Judge or the Master of the Supreme Court.

(2) Until such rules are made the general practice and procedure of the Supreme Court shall, so far as the same are applicable and not inconsistent with this Act, apply to all proceedings of the Court under this Act.

396. (1) The Governor may make regulations for or with respect to—

- (a) the keeping of registers by the Registrar and the lodging or registration of documents and the time and manner of submission of any document for lodging or registration ;
- (b) prescribing forms for the purposes of this Act ;
- (c) prescribing fees, not in any case exceeding ten pounds, to be paid to the Registrar in respect of matters or things not provided for in the Second Schedule in respect of any document required to be lodged, filed, registered with or issued by the Registrar under this Act or any other Act or for any act required to be performed by the Registrar or for the inspection of any such document or for any examination conducted by the Board ;
- (d) prescribing times for the lodging of any documents with the Registrar ;
- (e) making provision for or in relation to meetings of creditors, of members and creditors or of contributories of a company or meetings of debenture holders, not being meetings ordered by the Court ;
- (f) making provision for or in relation to the proof of debts on a winding up under Division III of Part X ;

Regulations.
N.S.W. s. 380
(1), (3).
Vic. s. 11.
Qsld. s. 102.
S.A. s. 373.
W.A. s. 408.
Tas. s. 324.

(g) all matters or things which by this Act are required or permitted to be prescribed otherwise than by rules or which are necessary or expedient to be prescribed for giving effect to this Act; and

(h) penalties not exceeding twenty pounds for any breach of the regulations.

(2) The regulations may require that any document which is required for the purposes of this Act shall, if no method of verification or certification is prescribed by this Act, be verified or certified (as the case requires) by statutory declaration or other method, in accordance with the regulations.

PART XIII.

SPECIAL PROVISIONS RELATING TO LOCAL
PROPRIETARY AND PRIVATE COMPANIES.

397. In this Part, unless the contrary intention appears—

Interpretation.

“appointed day” means the first day of July one thousand nine hundred and sixty-five.

“prescribed private company” means a private company—

(a) the number of members of which (counting joint holders of shares as one person and not counting any person in the employment of the company or of its subsidiary or any person who while previously in the employment of the company or of its subsidiary was and thereafter has continued to be a member of the company) does not exceed, and has not since the commencement of this Act or for the period of twelve months since the date of its last annual return lodged with the Registrar under section 158 exceeded, fifty ; and

(b) which—

- (i) has no place of business outside the State ;
- (ii) is not carrying on business in any place outside the State ; and
- (iii) since the date of its last annual return lodged with the Registrar under section 158 or since the commencement of this Act, has had no place of business outside the State and has not carried on business in any place outside the State :

“prescribed proprietary company” means a proprietary company which—

- (i) has no place of business outside the State ;
- (ii) is not carrying on business in any place outside the State ; and
- (iii) since the date of its last annual return lodged with the Registrar under section 158, since the incorporation of the company, or since

the commencement of this Act, whichever last occurs, has had no place of business outside the State and has not carried on business in any place outside the State.

Exemption of prescribed proprietary and private companies from lodging accounts.

398. (1) Where—

- (a) the beneficial interests in the shares in a prescribed proprietary company or a prescribed private company (hereinafter referred to as “the first-mentioned company”) are held solely by natural persons or by other prescribed proprietary companies or prescribed private companies or by a combination of such companies or of natural persons and such companies and neither a public company nor a foreign company, directly or indirectly, owns a beneficial interest in a share in any of such companies or in any corporation that, by virtue of subsection (5) of section 6, is deemed to be related to any of them ; and
- (b) a certificate complying with subsection (2) of this section is included in any annual return lodged by the first-mentioned company under section 158,

that return need not include a copy of the last balance-sheet and last profit and loss account of the first-mentioned company as required by the Eighth Schedule.

(2) The certificate referred to in paragraph (b) of subsection (1) of this section shall—

- (a) be given by both a director and a secretary of the first-mentioned company ; and
- (b) be in the appropriate form contained in the Eighth Schedule and shall state—
- (i) that the company is a prescribed proprietary company or a prescribed private company (as the case may be) ;
- (ii) that, since the date of its last annual return lodged with the Registrar under section 158, since the incorporation of the company, or since the commencement of this Act (whichever last occurs), the company has had no place of business outside the State, has not carried on

business in any place outside the State and has, to the best of the knowledge and belief of the persons giving the certificate, been a prescribed proprietary company or a prescribed private company (as the case may be); and

- (iii) that, to the best of the knowledge and belief of the persons giving the certificate, the beneficial interests in the shares in the company are held and, since the date, incorporation or commencement, as the case may be, referred to in subparagraph (ii) of this paragraph, have been held solely by natural persons or by other prescribed proprietary companies or prescribed private companies or by a combination of such companies or of natural persons and such companies, and a public company or foreign company, directly or indirectly, does not own and, since the date, incorporation or commencement, as the case may be, referred to in subparagraph (ii) of this paragraph, has not owned a beneficial interest in a share in any of such companies or in any corporation that, by virtue of subsection (5) of section 6, is deemed to be related to any of them.

(3) Where a person holds shares in a proprietary company or a private company otherwise than as the beneficial owner thereof he shall—

- (a) if the shares are so held at the commencement of this Act, within one month after such commencement;
- or
- (b) if the shares are acquired and so held after the commencement of this Act, within one month after they are so acquired,

give the secretary of the company notice in writing that he so holds the shares and such other information relating to the beneficial ownership of the shares as the secretary requires for the purposes of the certificate referred to in subsection (2) of this section.

399. (1) After the appointed day the Registrar shall give notice in writing to every private company that, on a date specified in the notice (being a date not less than three months

When private companies become public companies.

after the date of the notice), the company shall be deemed to be a public company unless, prior to that date the company converts to a proprietary company in accordance with section 26.

(2) Where a private company which has received a notice referred to in subsection (1) of this section fails to convert to a proprietary company on or before the date so specified in the notice or within such further time as the Registrar may, in the special circumstances of any case, in writing grant, the company shall thereupon, notwithstanding any other provision of this Act, cease to be a private company and shall be deemed to be a public company and, within a period of fourteen days after so ceasing, shall lodge with the Registrar—

- (i) a statement in lieu of prospectus ; and
- (ii) a statutory declaration in the prescribed form verifying that paragraph (b) of subsection (2) of section 52 has been complied with.

(3) If default is made in complying with subsection (2) of this section by reason of failure by a company to lodge with the Registrar any of the documents required by that subsection to be so lodged, the company and every officer of the company who is in default shall be guilty of an offence against this Act.

Penalty : Fifty pounds. Default penalty.

(4) Subsection (2) of this section shall not prevent a company which, by virtue of that subsection, is deemed to be a public company and which has lodged with the Registrar the documents required by that subsection to be so lodged from converting to a proprietary company in accordance with the provisions of section 26.

(5) The operation of subsection (2) of this section shall not affect the identity or any rights or obligations of a company as such or render defective any legal proceedings by or against a company and any legal proceedings that could have been continued or commenced by or against a company to which that subsection applies before the date on which the company ceased to be a private company may be continued or commenced by or against it on or after that date.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

ACTS REPEALED.

Number and Year of Act.	Title of Act.
No. 2196 of 1934	The Companies Act, 1934.
No. 2199 of 1935	Companies Act Amendment Act, 1935.
No. 46 of 1939	Companies Act Amendment Act, 1939.
No. 45 of 1952	Companies Act Amendment Act, 1952.
No. 55 of 1956	Companies Act Amendment Act, 1956.
No. 31 of 1960	Companies Act Amendment Act, 1960.

SECOND SCHEDULE.

Section 7 (11).
S.A. Thirteenth
Schedule.

TABLE OF FEES TO BE PAID TO THE REGISTRAR.

By a Company having a Share Capital.

	£	s.	d.
1. For registration of a company whose nominal share capital does not exceed £5,000	20	0	0
2. For registration of a company whose nominal share capital exceeds £5,000 the above fee of £20 with the following additional fees regulated according to the amount of nominal share capital (that is to say)—			
For every £1,000 of nominal share capital, or part of £1,000, after the first £5,000, up to £100,000	1	0	0
For every £1,000 of nominal share capital or part of £1,000, after the first £100,000, up to £500,000	0	10	0
For every £1,000 of nominal share capital or part of £1,000, after the first £500,000	0	5	0
3. On lodging notice of increase of share capital—an amount equal to the difference (if any) between the amount which would have been payable on first registration by reference to its capital as increased and the amount which would have been payable by reference to its capital immediately before the increase but in the case of a company incorporated before the commencement of this Act with a share capital of less than £5,000 the fee shall be £5 per £1,000 or any fractional part of £1,000 or £10 (whichever is the lesser amount) for any increase up to £5,000 and thereafter an amount calculated as aforesaid.			

By a Company not having a Share Capital.

	£	s.	d.
4. For registration of a company whose number of members as stated in the articles of association does not exceed 20	5	0	0
5. For registration of a company whose number of members as stated in the articles of association exceeds 20 but does not exceed 100 but is not stated to be unlimited the fee of £10 (with an additional 10s. for every 50 members or less number than 50 members after the first 100) but no company shall be liable to pay on the whole a greater fee than one hundred pounds in respect of its number of members taking into account the fee paid on the first registration of the company.			
6. For registration of a company in which the number of members is stated in the articles of association to be unlimited	100	0	0
7. For registration of the first increase in the number of members made after the registration of a company, whose number of members as stated in the articles of association does not exceed 20, to a number exceeding 20 but not exceeding 100	5	0	0

SECOND SCHEDULE—*continued.*

	£	s.	d.
8. For registration of any other increase in the number of members of a company in respect of every 50 members or less than 50 members of that increase	0	10	0
<i>Other Fees.</i>			
9. For every application for consent of the Minister to use of a name by a corporation	5	0	0
10. For every Order of the Minister granting consent to use of name by a corporation	10	0	0
11. For every approval of the Registrar to the change of the name of a company (otherwise than a change of name directed by the Registrar pursuant to the provisions of subsection (2) of section 23 or a change of name pursuant to subsection (2) of section 24 of this Act)	10	0	0
12. For every licence of the Minister to dispense with the word "limited" in the name of a company	10	0	0
13. For approval of the Minister to alter the memorandum or articles of a company	2	0	0
14. On lodgment of request to the Registrar to exercise the powers conferred by sections 309 or 311	1	0	0
15. For every act done by the Registrar as representing a defunct company under section 309	1	0	0
16. For every act done by the Registrar as representing a defunct company under section 311	5	0	0
17. On the late lodging of any document under this Act, in addition to any other fee—			
(a) if lodged within one month after the period prescribed by law ..	1	0	0
(b) if lodged more than one month after the period prescribed by law in addition to the fee payable under subparagraph (a)	5	0	0
The Registrar, if satisfied that just cause existed for the late lodgment may waive in whole or in part the additional fee under paragraph (b).			
*18. For the registration of a foreign company—			
(a) subject to paragraphs (b) and (c), one-half of the appropriate fee prescribed in respect of a company registered or incorporated under Part III of this Act ;			
(b) subject to paragraph (c) where the fee prescribed in paragraph (a) is not applicable	100	0	0
and			
(c) in the case of a corporation authorized by the law of any State or Territory to take in its own name a grant of probate or letters of administration of the estate of a deceased person	50	0	0
*19. On lodging by a foreign company of notice of increase in share capital or in the case of a foreign company not having a share capital on the lodging of notice of increase in number of members beyond its registered number—one-half of the prescribed fee payable on the increase in share capital or on the increase in the number of members of a company incorporated or registered under Part III.			
20. For registering any charge created by a corporation	4	0	0
21. For registering particulars of a series of debentures	4	0	0
22. For registering particulars of each issue of debentures where more than one issue in the series	2	0	0
23. On an application for the reservation of a name	3	0	0
24. On lodging articles of association of a company	2	0	0
25. On lodging a copy of any special resolution altering the articles of association of a company	2	0	0

SECOND SCHEDULE—*continued.*

	£	s.	d.
26. On lodging a copy of any special resolution altering the objects clause of the memorandum of association of a company	2	0	0
27. On lodging any deed or copy of a deed under section 78 or on lodging any prospectus or statement in lieu of prospectus or statements required under section 82	5	0	0
28. On any subpoena served on the Registrar to produce any document in his custody	2	0	0
29. On lodging any application under section 44 or section 374	5	0	0
30. On lodging any other application	1	0	0
31. For entry in the register of charges of any memorandum of satisfaction..	2	0	0
32. For every certificate issued by the Registrar under any Act	1	0	0
33. For copy or extract made and certified by the Registrar of any document in his custody—			
For each copy or extract not exceeding five folios of 72 words to the folio	1	0	0
For each additional folio of 72 words	0	2	0
34. For the completing and certifying by the Registrar of a copy or extract of any document in his custody of which a printed or typed copy is supplied—			
For each copy or extract not exceeding five folios of 72 words to the folio	0	10	0
For each additional folio of 72 words	0	1	0
35. For photographic copies of documents in the custody of the Registrar— for each sheet copied	0	10	0
36. For search as to availability of any name proposed to be adopted by a company—for every name searched	0	10	0
37. For every search or inspection in relation to a particular company of the registers and documents kept by the Registrar, pursuant to Division VII, Part IV	0	5	0
38. For search for and inspection of a document or documents filed by or in relation to a company—			
(a) where the number of documents searched and inspected is not more than three, for each document	0	5	0
(b) where the number of documents searched and inspected is more than three, for the number of documents searched and inspected	1	0	0
39. On lodging any Annual Return of a Company	2	0	0
40. On lodging, registering, depositing, or filing any other document with or by the Registrar under any Act (where the fee is not specified in any relevant Act or Regulation)	1	0	0

*Fees payable with respect to companies formed or incorporated outside the Commonwealth shall where appropriate be calculated after the conversion of the share capital to Australian currency.

THIRD SCHEDULE.

POWERS.

1. To carry on any other business which may seem to the company capable of being conveniently carried on in connection with its business or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights.
2. To acquire and undertake the whole or any part of the business, property, and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company.

Section 19.
S.A. s. 35
2nd Schedule.
W.A. 3rd
Schedule.
Vic. 3rd
Schedule.
N.Z. 1955
No. 63 Second
Schedule.

THIRD SCHEDULE—*continued.*

3. To apply for, purchase, or otherwise acquire any patents, patent rights, copyrights, trade marks, formulas, licences, concessions, and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to, any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated, directly or indirectly, to benefit the company; and to use, exercise, develop, or grant licences in respect of, or otherwise turn to account, the property, rights, or information so acquired.
4. To amalgamate or enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint adventure, reciprocal concession, or otherwise, with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as, directly or indirectly, to benefit the company.
5. To take, or otherwise acquire, and hold, shares, debentures, or other securities of any other company.
6. To enter into any arrangements with any Government or authority supreme municipal, local, or otherwise, that may seem conducive to the company's objects, or any of them; and to obtain from any such Government or authority any rights, privileges, and concessions which the company may think it desirable to obtain; and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions.
7. To establish and support or aid in the establishment and support of associations, institutions, funds, trusts, and conveniences calculated to benefit employees or directors or past employees or directors of the company or of its predecessors in business, or the dependants or connections of any such persons; and to grant pensions and allowances; and to make payments towards insurance; and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition, or for any public, general, or useful object.
8. To promote any other company or companies for the purpose of acquiring or taking over all or any of the property, rights, and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company.
9. To purchase, take on lease or in exchange, hire, and otherwise acquire any real and personal property and any rights or privileges which the company may think necessary or convenient for the purposes of its business, and in particular any land, buildings, easements, machinery, plant, and stock in trade.
10. To construct, improve, maintain, develop, work, manage, carry out, or control any buildings, works, factories, mills, roads, ways, tramways, railways, branches or sidings, bridges, reservoirs, watercourses, wharves, warehouses, electric works, shops, stores, and other works and conveniences which may seem calculated, directly or indirectly, to advance the company's interests; and to contribute to, subsidize, or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out, or control thereof.
11. To invest and deal with the money of the company not immediately required in such manner as may from time to time be thought fit.
12. To lend and advance money or give credit to any person or company; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or company; to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or company and otherwise to assist any person or company.
13. To borrow or raise or secure the payment of money in such manner as the company may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the company in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the company's property (both present and future), including its uncalled capital; and to purchase, redeem, or pay off any such securities.
14. To remunerate any person or company for services rendered, or to be rendered, in placing or assisting to place or guaranteeing the placing of any of the shares in the company's capital or any debentures, or other securities of the company, or in or about the organization, formation, or promotion of the company or the conduct of its business.
15. To draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading, and other negotiable or transferable instruments.

THIRD SCHEDULE—*continued.*

16. To sell or dispose of the undertaking of the company or any part thereof for such consideration as the company may think fit, and in particular for shares, debentures, or securities of any other company having objects altogether or in part similar to those of the company.

17. To adopt such means of making known and advertising the business and products of the company as may seem expedient.

18. To apply for, secure, acquire by grant, legislative enactment, assignment, transfer, purchase, or otherwise, and to exercise, carry out, and enjoy any charter, licence, power, authority, franchise, concession, right, or privilege, which any Government or authority or any corporation or other public body may be empowered to grant; and to pay for, aid in, and contribute towards carrying the same into effect; and to appropriate any of the company's shares, debentures, or other securities and assets to defray the necessary costs, charges, and expenses thereof.

19. To apply for, promote, and obtain any statute, order, regulation, or other authorization or enactment which may seem calculated, directly or indirectly, to benefit the company; and to oppose any bills, proceedings, or applications which may seem calculated, directly or indirectly, to prejudice the company's interests.

20. To procure the company to be registered or recognized in any country or place outside the State.

21. To sell, improve, manage, develop, exchange, lease, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the company.

22. To issue and allot fully or partly paid shares in the capital of the company in payment or part payment of any real or personal property purchased or otherwise acquired by the company or any services rendered to the company.

23. To distribute any of the property of the company among the members in kind or otherwise but so that no distribution amounting to a reduction of capital shall be made without the sanction required by law.

24. To take or hold mortgages, liens, and charges to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the company's property of whatsoever kind sold by the company, or any money due to the company from purchasers and others.

25. To carry out all or any of the objects of the company and do all or any of the above things in any part of the world and either as principal, agent, contractor, or trustee, or otherwise, and by or through trustees or agents or otherwise, and either alone or in conjunction with others.

26. To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the company.

FOURTH SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Sections 5 (1),
30.
S.A. 1st
Schedule.

Interpretation.

1. In these regulations—

“the Act” means the Companies Act, 1962 :

“the seal” means the common seal of the company :

“secretary” means any person appointed to perform the duties of a secretary of the company :

“State” means the State of South Australia :

expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form :

words or expressions contained in these regulations shall be interpreted in accordance with the provisions of the Acts Interpretation Act, 1915-1957, as amended, and of the Act as in force at the date at which these regulations become binding on the company.

FOURTH SCHEDULE—continued.

Share Capital and Variation of Rights.

2. Without prejudice to any special rights previously conferred on the holders of any existing shares or class of shares but subject to the Act, shares in the company may be issued by the directors and any such share may be issued with such preferred, deferred, or other special rights or such restrictions, whether in regard to dividend, voting, return of capital, or otherwise, as the directors, subject to any ordinary resolution of the company, determine.

3. Subject to the Act, any preference shares may, with the sanction of an ordinary resolution, be issued on the terms that they are, or at the option of the company are liable, to be redeemed.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may, whether or not the company is being wound up, be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of a special resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class and that any holder of shares of the class present in person or by proxy may demand a poll.

5. The rights conferred upon the holders of the shares of any class issued with preferred or other rights shall, unless otherwise expressly provided by the terms of issue of the shares of that class, be deemed to be varied by the creation or issue of further shares ranking equally therewith.

6. The company may exercise the powers of paying commissions conferred by the Act, provided that the rate per cent or the amount of the commission paid or agreed to be paid shall be disclosed in the manner required by the Act and the commission shall not exceed the rate of 10 per cent of the price at which the shares in respect whereof the same is paid are issued or an amount equal to 10 per cent of that price (as the case may be). Such commission may be satisfied by the payment of cash or the allotment of fully or partly paid shares or partly in one way and partly in the other. The company may also on any issue of shares pay such brokerage as may be lawful.

7. Except as required by law, no person shall be recognized by the company as holding any share upon any trust, and the company shall not be bound by or be compelled in any way to recognize (even when having notice thereof) any equitable, contingent, future, or partial interest in any share or unit of a share or (except only as by these regulations or by law otherwise provided) any other rights in respect of any share except an absolute right to the entirety thereof in the registered holder.

8. Every person whose name is entered as a member in the register of members shall be entitled without payment to receive a certificate under the seal of the company in accordance with the Act but in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all such holders.

Lien

9. The company shall have a first and paramount lien on every share (not being a fully paid share) for all money (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a first and paramount lien on all shares (other than fully paid shares) registered in the name of a single person for all money presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this regulation. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the directors think fit, any shares on which the company has a lien, but no sale shall be made unless a sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled thereto by reason of his death or bankruptcy.

11. To give effect to any such sale the directors may authorize some person to transfer the shares sold to the purchaser thereof. The purchaser shall be registered as the holder of the shares comprised in any such transfer, and he shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

FOURTH SCHEDULE—*continued.*

12. The proceeds of the sale shall be received by the company and applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue, if any, shall (subject to a like lien for sums not presently payable as existed upon the shares before the sale) be paid to the person entitled to the shares at the date of the sale.

Calls on Shares.

13. The directors may from time to time make calls upon the members in respect of any money unpaid on their shares (whether on account of the nominal value of the shares or by way of premium) and not by the conditions of allotment thereof made payable at fixed times, provided that no call shall exceed one-fourth of the nominal value of the share or be payable at less than one month from the date fixed for the payment of the last preceding call, and each member shall (subject to receiving at least fourteen days' notice specifying the time or times and place of payment) pay to the company at the time or times and place so specified the amount called on his shares. A call may be revoked or postponed as the directors may determine.

14. A call shall be deemed to have been made at the time when the resolution of the directors authorizing the call was passed and may be required to be paid by instalments.

15. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

16. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest on the sum from the day appointed for payment thereof to the time of actual payment at such rate not exceeding 8 per cent per annum as the directors may determine, but the directors shall be at liberty to waive payment of that interest wholly or in part.

17. Any sum which by the terms of issue of a share becomes payable on allotment or at any fixed date, whether on account of the nominal value of the share or by way of premium, shall for the purposes of these regulations be deemed to be a call duly made and payable on the date on which by the terms of issue the same becomes payable, and in case of non-payment all the relevant provisions of these regulations as to payment of interest and expenses, forfeiture, or otherwise, shall apply as if the sum had become payable by virtue of a call duly made and notified.

18. The directors may, on the issue of shares, differentiate between the holders as to the amount of calls to be paid and the times of payment.

19. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the money uncalled and unpaid upon any shares held by him, and upon all or any part of the money so advanced may (until the same would, but for the advance, become payable) pay interest at such rate not exceeding (unless the company in general meeting shall otherwise direct) 8 per cent per annum as may be agreed upon between the directors and the member paying the sum in advance.

Transfer of Shares.

20. Subject to these regulations any member may transfer all or any of his shares by instrument in writing in any usual or common form or in any other form which the directors may approve. The instrument shall be executed by or on behalf of both the transferor and the transferee; and the transferor shall remain the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of members in respect thereof.

21. The instrument of transfer must be left for registration at the registered office of the company together with such fee not exceeding 2s. 6d. as the directors from time to time may require accompanied by the certificate of the shares to which it relates and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer, and thereupon the company shall subject to the powers vested in the directors by these regulations register the transferee as a shareholder and retain the instrument of transfer.

22. The directors may decline to register any transfer of shares not being fully paid shares to a person of whom they do not approve and may also decline to register any transfer of shares on which the company has a lien.

23. The registration of transfers may be suspended at such times and for such periods as the directors may from time to time determine not exceeding in the whole thirty days in any year.

FOURTH SCHEDULE—*continued.**Transmission of Shares.*

24. In case of the death of a member the survivor or survivors where the deceased was a joint holder, and the legal personal representatives of the deceased where he was a sole holder, shall be the only persons recognized by the company as having any title to his interest in the shares ; but nothing herein contained shall release the estate of a deceased joint holder from any liability in respect of any share which had been jointly held by him with other persons.

25. Any person becoming entitled to a share in consequence of the death or bankruptcy of a member may, upon such evidence being produced as may from time to time properly be required by the directors and subject as hereinafter provided, elect either to be registered himself as holder of the share or to have some person nominated by him registered as the transferee thereof, but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by that member before his death or bankruptcy.

26. If the person so becoming entitled elects to be registered himself, he shall deliver or send to the company a notice in writing signed by him stating that he so elects. If he elects to have another person registered he shall testify his election by executing to that person a transfer of the share. All the limitations, restrictions, and provisions of these regulations relating to the right to transfer and the registration of transfers of shares shall be applicable to any such notice or transfer as aforesaid as if the death or bankruptcy of the member had not occurred and the notice or transfer were a transfer signed by that member.

27. Where the registered holder of any share dies or becomes bankrupt his personal representative or the assignee of his estate, as the case may be, shall, upon the production of such evidence as may from time to time be properly required by the directors in that behalf, be entitled to the same dividends and other advantages, and to the same rights (whether in relation to meetings of the company, or to voting, or otherwise), as the registered holder would have been entitled to if he had not died or become bankrupt ; and where two or more persons are jointly entitled to any share in consequence of the death of the registered holder they shall, for the purposes of these regulations, be deemed to be joint holders of the share.

Forfeiture of Shares.

28. If a member fails to pay any call or instalment of a call on the day appointed for payment thereof, the directors may, at any time thereafter during such time as any part of the call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

29. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of service of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of non-payment at or before the time appointed the shares in respect of which the call was made will be liable to be forfeited.

30. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect. Such forfeiture shall include all dividends declared in respect of the forfeited shares and not actually paid before the forfeiture.

31. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

32. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all money which, at the date of forfeiture, was payable by him to the company in respect of the shares (together with interest at the rate of 8 per cent per annum from the date of forfeiture on the money for the time being unpaid if the directors think fit to enforce payment of such interest), but his liability shall cease if and when the company receives payment in full of all such money in respect of the shares.

33. A statutory declaration in writing that the declarant is a director or the secretary of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share.

FOURTH SCHEDULE—*continued.*

34. The company may receive the consideration, if any, given for a forfeited share on any sale or disposition thereof and may execute a transfer of the share in favour of the person to whom the share is sold or disposed of and he shall thereupon be registered as the holder of the share, and shall not be bound to see to the application of the purchase money, if any, nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale, or disposal of the share.

35. The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the nominal value of the share or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of Shares into Stock.

36. The company may by ordinary resolution passed at a general meeting convert any paid up shares into stock and reconvert any stock into paid up shares of any denomination.

37. The holders of stock may transfer the same or any part thereof in the same manner and subject to the same regulations as and subject to which the shares from which the stock arose might previously to conversion have been transferred or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

38. The holders of stock shall according to the amount of the stock held by them have the same rights privileges and advantages as regards dividends voting at meetings of the company and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company and in the assets on winding up) shall be conferred by any such aliquot part of stock which would not if existing in shares have conferred that privilege or advantage.

39. Such of the regulations of the company as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder".

Alteration of Capital.

40. The company may from time to time by ordinary resolution—

- (a) increase the share capital by such sum to be divided into shares of such amount as the resolution shall prescribe;
- (b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;
- (c) subdivide into shares or any of them into shares of smaller amount than is fixed by the memorandum; so however that in the subdivision the proportion between the amount paid and the amount (if any) unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;
- (d) cancel shares which at the date of the passing of the resolution in that behalf have not been taken or agreed to be taken by any person or which have been forfeited and diminish the amount of its share capital by the amount of the shares so cancelled.

41. Subject to any direction to the contrary that may be given by the company in general meeting, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and, after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of those shares in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this regulation.

42. The company may by special resolution reduce its share capital, any capital redemption reserve fund or any share premium account in any manner and with, and subject to, any incident authorized, and consent required by law.

FOURTH SCHEDULE—*continued.**General Meetings.*

43. An annual general meeting of the company shall be held in accordance with the provisions of the Act. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

44. Any director may whenever he thinks fit convene an extraordinary general meeting, and extraordinary general meetings shall be convened on such requisition or in default may be convened by such requisitionists as provided by the Act.

45. Subject to the provisions of the Act relating to special resolutions and agreements for shorter notice, seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of meeting and in case of special business the general nature of that business shall be given to such persons as are entitled to receive such notices from the company.

46. All business shall be special that is transacted at an extraordinary general meeting, and also all that is transacted at an annual general meeting, with the exception of declaring a dividend, the consideration of the accounts, balance-sheets, and the reports of the directors and auditors, the election of directors in the place of those retiring, and the appointment and fixing of the remuneration of the auditors.

Proceedings at General Meetings.

47. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. Save as herein otherwise provided, three members [*in the case of a public company*] two members [*in the case of a proprietary company or a private company*] present in person shall be a quorum. For the purposes of this regulation "member" includes a person attending as a proxy or as representing a corporation which is a member.

48. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the directors may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present (being not less than two) shall be a quorum.

49. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company, or if there is no such chairman, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the members present shall elect one of their number to be chairman of the meeting.

50. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

51. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded—

- (a) by the chairman;
- (b) by at least three members present in person or by proxy;
- (c) by any member or members present in person or by proxy and representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting; or
- (d) by a member or members holding shares in the company conferring a right to vote at the meeting being shares on which an aggregate sum has been paid up equal to not less than one-tenth of the total sum paid up on all the shares conferring that right.

Unless a poll is so demanded a declaration by the chairman that a resolution has on a show of hands been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the company shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.

FOURTH SCHEDULE—*continued.*

62. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if no intimation in writing of such death, unsoundness of mind, revocation, or transfer as aforesaid has been received by the company at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

Directors : Appointment, Etc.

63. The number of the directors and the names of the first directors shall be determined in writing by the subscribers of the memorandum of association or a majority of them.

64. At the first annual general meeting of the company all the directors shall retire from office, and at the annual general meeting in every subsequent year one-third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest one-third, shall retire from office. A retiring director shall be eligible for re-election.

65. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

66. The company at the meeting at which a director so retires may fill the vacated office by electing a person thereto, and in default the retiring director shall if offering himself for re-election and not being disqualified under the Act from holding office as a director be deemed to have been re-elected, unless at that meeting it is expressly resolved not to fill the vacated office or unless a resolution for the re-election of that director is put to the meeting and lost.

67. The company may from time to time by ordinary resolution passed at a general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

68. The directors shall have power at any time, and from time to time, to appoint any person to be a director, either to fill a casual vacancy or as an addition to the existing directors, but so that the total number of directors shall not at any time exceed the number fixed in accordance with these regulations. Any director so appointed shall hold office only until the next following annual general meeting, and shall then be eligible for re-election but shall not be taken into account in determining the directors who are to retire by rotation at that meeting.

69. The company may by ordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

70. The remuneration of the directors shall from time to time be determined by the company in general meeting. That remuneration shall be deemed to accrue from day to day. The directors may also be paid all travelling, hotel, and other expenses properly incurred by them in attending and returning from meetings of the directors or any committee of the directors or general meetings of the company or in connection with the business of the company.

71. The shareholding qualification for directors may be fixed by the company in general meeting, and unless and until so fixed shall be one share.

72. The office of director shall become vacant if the director—

- (a) ceases to be a director by virtue of the Act;
- (b) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (c) becomes prohibited from being a director by reason of any order made under the Act;
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (e) resigns his office by notice in writing to the company;
- (f) for more than six months is absent without permission of the directors from meetings of the directors held during that period;
- (g) without the consent of the company in general meeting holds any other office of profit under the company except that of managing director or manager; or
- (h) is directly or indirectly interested in any contract or proposed contract with the company and fails to declare the nature of his interest in manner required by the Act.

FOURTH SCHEDULE—*continued.**Powers and Duties of Directors.*

73. The business of the company shall be managed by the directors, who may pay all expenses incurred in promoting and registering the company, and may exercise all such powers of the company as are not, by the Act or by these regulations, required to be exercised by the company in general meeting, subject, nevertheless, to any of these regulations, to the provisions of the Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

74. The directors may exercise all the powers of the company to borrow money and to mortgage or charge its undertaking, property, and uncalled capital, or any part thereof, and to issue debentures and other securities whether outright or as security for any debt, liability, or obligation of the company or of any third party.

75. The directors may exercise all the powers of the company in relation to any official seal for use outside the State and in relation to branch registers.

76. The directors may from time to time by power of attorney appoint any corporation, or person or body of persons, whether nominated directly or indirectly by the directors, to be the attorney or attorneys of the company for such purposes and with such powers, authorities, and discretions (not exceeding those vested in or exercisable by the directors under these regulations) and for such period and subject to such conditions as they may think fit, and any such powers of attorney may contain such provisions for the protection and convenience of persons dealing with any such attorney as the directors may think fit and may also authorize any such attorney to delegate all or any of the powers, authorities, and discretions vested in him.

77. All cheques, promissory notes, drafts, bills of exchange, and other negotiable instruments, and all receipts for money paid to the company, shall be signed, drawn, accepted, endorsed, or otherwise executed, as the case may be, by any two directors or in such other manner as the directors from time to time determine.

78. The directors shall cause minutes to be made—

- (a) of all appointments of officers;
- (b) of names of directors present at all meetings of the company and of the directors;
and
- (c) of all proceedings at all meetings of the company and of the directors.

Such minutes shall be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting.

Proceedings of Directors

79. The directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. A director may at any time and the secretary shall on the requisition of a director summon a meeting of the directors.

80. Subject to these regulations questions arising at any meeting of directors shall be decided by a majority of votes and a determination by a majority of directors shall for all purposes be deemed a determination of the directors. In the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

81. A director shall not vote in respect of any contract or proposed contract with the company in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.

82. Any director with the approval of the directors may appoint any person (whether a member of the company or not) to be an alternate or substitute director in his place during such period as he thinks fit. Any person while he so holds office as an alternate or substitute director shall be entitled to notice of meetings of the directors and to attend and vote thereat accordingly, and to exercise all the powers of the appointor in his place. An alternate or substitute director shall not require any share qualification, and shall *ipso facto* vacate office if the appointor vacates office as a director or removes the appointee from office. Any appointment or removal under this regulation shall be effected by notice in writing under the hand of the director making the same.

83. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall be two.

84. The continuing directors may act notwithstanding any vacancy in their body, but if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors or director may act for the purpose of increasing the number of directors to that number or of summoning a general meeting of the company, but for no other purpose.

FOURTH SCHEDULE—*continued*

85. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the meeting, the directors present may choose one of their number to be chairman of the meeting.

86. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the directors.

87. A committee may elect a chairman of its meetings; if no such chairman is elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chairman of the meeting.

88. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the chairman shall have a second or casting vote.

89. All acts done by any meeting of the directors or of a committee of directors or by any person acting as a director shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such director or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

90. A resolution in writing, signed by all the directors for the time being entitled to receive notice of a meeting of the directors, shall be as valid and effectual as if it had been passed at a meeting of the directors duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more directors.

Managing Directors.

91. The directors may from time to time appoint one or more of their body to the office of managing director for such period and on such terms as they think fit and, subject to the terms of any agreement entered into in any particular case, may revoke any such appointment. A director so appointed shall not, while holding that office, be subject to retirement by rotation or be taken into account in determining the rotation of retirement of directors, but his appointment shall be automatically determined if he ceases from any cause to be a director.

92. A managing director shall, subject to the terms of any agreement entered into in any particular case, receive such remuneration (whether by way of salary, commission, or participation in profits, or partly in one way and partly in another) as the directors may determine.

93. The directors may entrust to and confer upon a managing director any of the powers exercisable by them upon such terms and conditions and with such restrictions as they may think fit, and either collaterally with or to the exclusion of their own powers, and may from time to time revoke, withdraw, alter, or vary all or any of those powers.

Associate Directors

94. The directors may from time to time appoint any person to be an associate director and may from time to time cancel any such appointment. The directors may fix, determine and vary the powers, duties and remuneration of any person so appointed, but a person so appointed shall not be required to hold any shares to qualify him for appointment nor have any right to attend or vote at any meeting of directors except by the invitation and with the consent of the directors.

Secretary.

95. The secretary shall in accordance with the Act be appointed by the directors for such term, at such remuneration, and upon such conditions as they may think fit; and any secretary so appointed may be removed by them.

Seal.

96. The directors shall provide for the safe custody of the seal, which shall only be used by the authority of the directors or of a committee of the directors authorized by the directors in that behalf, and every instrument to which the seal is affixed shall be signed by a director and shall be countersigned by the secretary or by a second director or by some other person appointed by the directors for the purpose.

FOURTH SCHEDULE—*continued.**Accounts.*

97. The directors shall cause proper accounting and other records to be kept and shall distribute copies of balance-sheets as required by the Act and shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounting and other records of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or paper of the company except as conferred by statute or authorized by the directors or by the company in general meeting.

Dividends and Reserves.

98. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

99. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

100. No dividend shall be paid otherwise than out of profits or bear interest against the company.

101. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as reserves which shall, at the discretion of the directors, be applicable for any purpose to which the profits of the company may be properly applied, and pending any such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares in the company) as the directors may from time to time think fit. The directors may also without placing the same to reserve carry forward any profits which they may think prudent not to divide.

102. Subject to the rights of persons, if any, entitled to shares with special rights as to dividend, all dividends shall be declared and paid according to the amounts paid or credited as paid on the shares in respect whereof the dividend is paid, but no amount paid or credited as paid on a share in advance of calls shall be treated for the purposes of this regulation as paid on the share. All dividends shall be apportioned and paid proportionately to the amounts paid or credited as paid on the shares during any portion or portions of the period in respect of which the dividend is paid; but if any share is issued on terms providing that it shall rank for dividend as from a particular date that share shall rank for dividend accordingly.

103. The directors may deduct from any dividend payable to any member all sums of money, if any, presently payable by him to the company on account of calls or otherwise in relation to the shares of the company.

104. Any general meeting declaring a dividend or bonus may direct payment of such dividend or bonus wholly or partly by the distribution of specific assets and in particular of paid-up shares, debentures or debenture stock of any other company or in any one or more of such ways and the directors shall give effect to such resolution, and where any difficulty arises in regard to such distribution, the directors may settle the same as they think expedient, and fix the value for distribution of such specific assets or any part thereof and may determine that cash payments shall be made to any members upon the footing of the value so fixed in order to adjust the rights of all parties, and may vest any such specific assets in trustees as may seem expedient to the directors.

105. Any dividend, interest, or other money payable in cash in respect of shares may be paid by cheque or warrant sent through the post directed to the registered address of the holder or, in the case of joint holders, to the registered address of that one of the joint holders who is first named on the register of members or to such person and to such address as the holder or joint holders may in writing direct. Every such cheque or warrant shall be made payable to the order of the person to whom it is sent. Any one of two or more joint holders may give effectual receipts for any dividends, bonuses, or other money payable in respect of the shares held by them as joint holders.

Capitalization of Profits.

106. The company in general meeting may upon the recommendation of the directors resolve that it is desirable to capitalize any part of the amount for the time being standing to the credit of any of the company's reserve accounts or to the credit of the profit and loss account or otherwise available for distribution, and accordingly that such sum be set free for distribution amongst the members who would have been entitled thereto if distributed by way of dividend and in the same proportions on condition that the same be not paid in cash but be applied either in or towards paying up any amounts for the time

FOURTH SCHEDULE—*continued.*

being unpaid on any shares held by such members respectively or paying up in full unissued shares or debentures of the company to be allotted and distributed credited as fully paid up to and amongst such members in the proportion aforesaid, or partly in the one way and partly in the other, and the directors shall give effect to such resolution. A share premium account and a capital redemption reserve fund may, for the purposes of this regulation, be applied only in the paying up of unissued shares to be issued to members of the company as fully paid bonus shares.

107. Whenever such a resolution as aforesaid shall have been passed the directors shall make all appropriations and applications of the undivided profits resolved to be capitalized thereby, and all allotments and issues of fully paid shares or debentures, if any, and generally shall do all acts and things required to give effect thereto, with full power to the directors to make such provision by the issue of fractional certificates or by payment in cash or otherwise as they think fit for the case of shares or debentures becoming distributable in fractions, and also to authorize any person to enter on behalf of all the members entitled thereto into an agreement with the company providing for the allotment to them respectively, credited as fully paid up, of any further shares or debentures to which they may be entitled upon such capitalization, or (as the case may require) for the payment up by the company on their behalf, by the application thereto of their respective proportions of the profits resolved to be capitalized, of the amounts or any part of the amounts remaining unpaid on their existing shares, and any agreement made under such authority shall be effective and binding on all such members.

Notices.

108. A notice may be given by the company to any member either personally or by sending it by post to him at his registered address, or (if he has no registered address within the State) to the address, if any, within the State supplied by him to the company for the giving of notices to him. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and to have been effected in the case of a notice of a meeting on the day after the date of its posting, and in any other case at the time at which the letter would be delivered in the ordinary course of post.

109. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder first named in the register of members in respect of the share.

110. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or assignee of the bankrupt, or by any like description, at the address, if any, within the State supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

111. (1) Notice of every general meeting shall be given in any manner hereinbefore authorized to—

- (a) every member except those members who (having no registered address within the State) have not supplied to the company an address within the State for the giving of notices to them ;
- (b) every person entitled to a share in consequence of the death or bankruptcy of a member who, but for his death or bankruptcy, would be entitled to receive notice of the meeting ; and
- (c) the auditor for the time being of the company.

(2) No other person shall be entitled to receive notices of general meetings.

Winding Up.

112. If the company is to be, or is being, wound up the liquidator may, with the sanction of a special resolution of the company, divide amongst the members in kind the whole or any part of the assets of the company (whether they consist of property of the same kind or not) and may for that purpose set such value as he deems fair upon any property to be divided as aforesaid and may determine how the division shall be carried out as between the members or different classes of members. The liquidator may, with the like sanction vest the whole or any part of any such assets in trustees upon such trusts for the benefit of the contributories as the liquidator, with the like sanction, thinks fit, but so that no member shall be compelled to accept any shares or other securities whereon there is any liability.

FOURTH SCHEDULE—*continued.**Indemnity.*

113. Every director, managing director, agent, auditor, secretary, and other officer for the time being of the company shall be indemnified out of the assets of the company against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under the Act in which relief is granted to him by the Court in respect of any negligence, default, breach of duty or breach of trust.

TABLE B.

REGULATIONS FOR MANAGEMENT OF A NO-LIABILITY COMPANY.

Interpretation.

1. In these regulations—

“the Act” means the *Companies Act, 1962* ;

“the seal” means the common seal of the company ;

“secretary” means any person appointed to perform the duties of a secretary of the Company ;

“State” means the State of South Australia ;

expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in visible form ;

words or expressions contained in these regulations shall be interpreted in accordance with the provisions of the *Acts Interpretation Act, 1915-1957*, as amended, and of the Act as in force at the date at which these regulations become binding on the company.

Share Capital and Variation of Rights.

2. Without prejudice to any special rights previously conferred on the holders of any existing shares or class of shares but subject to the Act, shares in the company may be issued by the directors and any such share may be issued with such preferred, deferred, or other special rights or such restrictions, whether in regard to dividend, voting, return of capital, or otherwise, as the directors, subject to any ordinary resolution of the company, determine.

3. Subject to the Act, any preference shares may, with the sanction of an ordinary resolution, be issued on the terms that they are, or at the option of the company are liable, to be redeemed.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may, whether or not the company is being wound up, be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of a special resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class and that any holder of shares of the class present in person or by proxy may demand a poll.

5. The rights conferred upon the holders of the shares of any class issued with preferred or other rights shall, unless otherwise expressly provided by the terms of issue of the shares of that class, be deemed to be varied by the creation or issue of further shares ranking equally therewith.

6. The company may exercise the powers of paying commissions conferred by the Act, provided that the rate per cent or the amount of the commission paid or agreed to be paid shall be disclosed in the manner required by the Act and the commission shall not exceed the rate of 10 per cent of the price at which the shares in respect whereof the same is paid are issued or an amount equal to 10 per cent of that price (as the case may be). Such commission may be satisfied by the payment of cash or the allotment of fully or partly paid shares or partly in one way and partly in the other. The company may also on any issue of shares pay such brokerage as may be lawful.

7. Except as required by law, no person shall be recognized by the company as holding any share upon any trust, and the company shall not be bound by or be compelled in any way to recognize (even when having notice thereof) any equitable, contingent, future, or partial interest in any share or unit of a share or (except only as by these regulations or by law otherwise provided) any other rights in respect of any share except an absolute right to the entirety thereof in the registered holder.

FOURTH SCHEDULE—*continued.*

8. Every person whose name is entered as a member in the register of members shall be entitled without payment to receive a certificate under the seal of the company in accordance with the Act but in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all such holders.

Calls on Shares.

9. The directors may subject to section 322 of the Act from time to time make calls upon the members in respect of any money unpaid on their shares (whether on account of the nominal value of the shares or by way of premium) and not by the conditions of allotment thereof made payable at fixed times. A call may be revoked or postponed as the directors may determine.

10. A call shall be deemed to have been made at the time when the resolution of the directors authorizing the call was passed and may be required to be paid by instalments.

11. At any sale by auction under section 323 of the Act a share forfeited for non-payment of any call may, if the directors so determine, be offered for sale and sold credited as paid up to the sum of the amount paid up thereon at the time of forfeiture and the amount of such call and the amount of any other call or calls becoming payable on or before the date of sale.

Transfer of Shares.

12. Subject to these regulations any member may transfer all or any of his shares by instrument in writing in any usual or common form or in any other form which the directors may approve. The instrument shall be executed by or on behalf of both the transferor and the transferee; and the transferor shall remain the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of members in respect thereof.

13. The instrument of transfer must be left for registration at the registered office of the company together with such fee not exceeding 2s. 6d. as the directors from time to time may require accompanied by the certificate of the shares to which it relates and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer and thereupon the company shall subject to the powers vested in the directors by these regulations register the transferee as a shareholder and retain the instrument of transfer.

14. The registration of transfers may be suspended at such times and for such periods as the directors may from time to time determine, not exceeding in the whole thirty days in any year.

Transmission of Shares.

15. In the case of the death of a member, the survivor or survivors, where the deceased was a joint holder, and the legal personal representatives of the deceased where he was a sole holder, shall be the only persons recognized by the company as having any title to his interest in the shares.

16. Any person becoming entitled to a share in consequence of the death or bankruptcy of a member may, upon such evidence being produced as may from time to time properly be required by the directors and subject as hereinafter provided, elect either to be registered himself as holder of the share or to have some person nominated by him registered as the transferee thereof.

17. If the person so becoming entitled elects to be registered himself, he shall deliver or send to the company a notice in writing signed by him stating that he so elects. If he elects to have another person registered he shall testify his election by executing to that person a transfer of the share. All the provisions of these regulations relating to the right to transfer and the registration of transfers of shares shall be applicable to any such notice or transfer as aforesaid as if the death or bankruptcy of the member had not occurred and the notice or transfer were a transfer signed by that member.

18. Where the registered holder of any share dies or becomes bankrupt his personal representative or the assignee of his estate, as the case may be, shall, upon the production of such evidence as may from time to time be properly required by the directors in that behalf, be entitled to the same dividends and other advantages, and to the same rights (whether in relation to meetings of the company, or to voting, or otherwise), as the registered holder would have been entitled to if he had not died or become bankrupt; and where two or more persons are jointly entitled to any share in consequence of the death of the registered holder they shall, for the purposes of these regulations, be deemed to be joint holders of the share.

FOURTH SCHEDULE—*continued.**Conversion of Shares into Stock.*

19. The company may by ordinary resolution passed at a general meeting convert any paid up shares into stock and reconvert any stock into paid up shares of any denomination.

20. The holders of stock may transfer the same or any part thereof in the same manner and subject to the same regulations as and subject to which the shares from which the stock arose might previously to conversion have been transferred or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

21. The holders of stock shall according to the amount of the stock held by them have the same rights, privileges and advantages as regards dividends, voting at meetings of the company and other matters as if they held the shares from which the stock arose, but no such privilege or advantage shall be conferred by any such aliquot part of stock which would not if existing in shares have conferred that privilege or advantage.

22. Such of the regulations of the company as are applicable to paid up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder".

Alteration of Capital.

23. The company may from time to time by ordinary resolution—

- (a) increase the share capital by such sum to be divided into shares of such amount as the resolution shall prescribe;
- (b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;
- (c) subdivide its shares or any of them into shares of smaller amount than is fixed by the memorandum; so however that in the subdivision the proportion between the amount paid and the amount (if any) unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;
- (d) cancel shares which at the date of the passing of the resolution in that behalf have not been taken or agreed to be taken by any person or which have been forfeited and diminish the amount of its share capital by the amount of the shares so cancelled.

24. Subject to any direction to the contrary that may be given by the company in general meeting, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and, after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of those shares in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this regulation.

25. The company may by special resolution reduce its share capital, any capital redemption reserve fund or any share premium account in any manner and with, and subject to, any incident authorized, and consent required by law.

General Meetings.

26. An annual general meeting of the company shall be held in accordance with the provisions of the Act. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

27. Any director may whenever he thinks fit convene an extraordinary general meeting, and extraordinary general meetings shall be convened on such requisition or in default may be convened by such requisitionists as provided by the Act.

28. Subject to the provisions of the Act relating to special resolutions and agreements for shorter notice, seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of meeting and in case of special business the general nature of that business shall be given to such persons as are entitled to receive such notices from the company.

FOURTH SCHEDULE—*continued.*

29. All business shall be special that is transacted at an extraordinary general meeting, and also all that is transacted at an annual general meeting, with the exception of declaring a dividend, the consideration of the accounts, balance-sheets, and the report of the directors and auditors, the election of directors in the place of those retiring, and the appointment and fixing of the remuneration of the auditors.

Proceedings at General Meetings.

30. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. Save as herein otherwise provided, three members present in person shall be a quorum. For the purposes of this regulation "member" includes a person attending as a proxy or as representing a corporation which is a member.

31. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day at such other time and place as the directors may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present (being not less than two) shall be a quorum.

32. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company, or if there is no such chairman, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the members present shall elect one of their number to be chairman of the meeting.

33. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

34. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded—

- (a) by the chairman;
- (b) by at least three members present in person or by proxy;
- (c) by any member or members present in person or by proxy and representing not less than one-tenth of the total voting rights of all the members having the right to vote at the meeting; or
- (d) by a member or members holding shares in the company conferring a right to vote at the meeting being shares on which an aggregate sum has been paid up equal to not less than one-tenth of the total sum paid up on all the shares conferring that right.

Unless a poll is so demanded a declaration by the chairman that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the company shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.

35. If a poll is duly demanded it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the chairman directs, and the result of the poll shall be the resolution of the meeting at which the poll was demanded, but a poll demanded on the election of a chairman or on a question of adjournment shall be taken forthwith.

36. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded shall be entitled to a second or casting vote.

37. Subject to any rights or restrictions for the time being attached to any class or classes of shares, at meetings of members or classes of members each member entitled to vote may vote in person or by proxy or by attorney and on a show of hands every person present who is a member or a representative of a member shall have one vote, and on a poll every member present in person or by proxy or by attorney or other duly authorized representative shall have one vote for each share he holds.

FOURTH SCHEDULE—*continued.*

38. In the case of joint holders, the vote of the senior who tenders a vote whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

39. A member who is of unsound mind or whose person or estate is liable to be dealt with in any way under the law relating to mental health may vote, whether on a show of hands or on a poll, by his committee or by the Public Trustee or by such other person as properly has the management of his estate, and any such committee, Trustee or other person may vote by proxy or attorney.

40. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

41. No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is given or tendered, and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection made in due time shall be referred to the chairman of the meeting, whose decision shall be final and conclusive.

42. The instrument appointing a proxy shall be in writing in a common or usual form under the hand of the appointer or of his attorney duly authorized in writing or, if the appointer is a corporation, either under the seal or under the hand of an officer or attorney duly authorized. A proxy may, but need not, be a member of the company. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

43. Where it is desired to afford members an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:—

No Liability.

I/We _____, of _____, _____, being a member/
members of the above-named company, hereby appoint _____,
of _____, _____, or failing him, _____,
of _____, _____, as my/our proxy to vote for me/us on my/our
behalf at the [annual or extraordinary, *as the case may be*] general meeting of the
company, to be held on the _____ day of _____ 19____, and at
any adjournment thereof.

Signed this _____ day of _____, 19____.

This form is to be used $\frac{\text{*in favour of}}{\text{against}}$ the resolution.

*Strike out whichever is not desired. [Unless otherwise instructed, the proxy may vote as he thinks fit.]

44. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company or at such other place within the State as is specified for that purpose in the notice convening the meeting, not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, or, in the case of a poll, not less than twenty-four hours before the time appointed for the taking of the poll, and in default the instrument of proxy shall not be treated as valid.

45. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if no intimation in writing of such death, unsoundness of mind, revocation, or transfer as aforesaid has been received by the company at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

Directors : Appointment, &c.

46. The number of directors and the names of the first directors shall be determined in writing by the subscribers of the memorandum of association or a majority of them.

47. At the first annual general meeting of the company all the directors shall retire from office, and at the annual general meeting in every subsequent year one third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest one-third, shall retire from office. A retiring director shall be eligible for re-election.

FOURTH SCHEDULE—*continued.*

48. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

49. The company at the meeting at which a director so retires may fill the vacated office by electing a person thereto, and in default the retiring director shall if offering himself for re-election and not being disqualified under the Act from holding office as a director be deemed to have been re-elected, unless at that meeting it is expressly resolved not to fill the vacated office or unless a resolution for the re-election of that director is put to the meeting and lost.

50. The company may from time to time by ordinary resolution passed at a general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

51. The directors shall have power at any time, and from time to time, to appoint any person to be a director, either to fill a casual vacancy or as an addition to the existing directors, but so that the total number of directors shall not at any time exceed the number fixed in accordance with these regulations. Any director so appointed shall hold office only until the next following annual general meeting, and shall then be eligible for re-election but shall not be taken into account in determining the directors who are to retire by rotation at that meeting.

52. The company may by ordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

53. The remuneration of the directors shall from time to time be determined by the company in general meeting. That remuneration shall be deemed to accrue from day to day. The directors may also be paid all travelling, hotel, and other expenses properly incurred by them in attending and returning from meetings of the directors or any committee of the directors or general meetings of the company or in connection with the business of the company.

54. The shareholding qualification for directors may be fixed by the company in general meeting, and unless and until so fixed shall be one share.

55. The office of director shall become vacant if the director—

- (a) ceases to be a director by virtue of the Act;
- (b) becomes bankrupt or makes any arrangement or composition with his creditors generally;
- (c) becomes prohibited from being a director by reason of any order made under the Act;
- (d) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (e) resigns his office by notice in writing to the company;
- (f) for more than six months is absent without permission of the directors from meetings of the directors held during that period;
- (g) without the consent of the company in general meeting holds any other office of profit under the company except that of managing director or manager; or
- (h) is directly or indirectly interested in any contract or proposed contract with the company and fails to declare the nature of his interest in manner required by the Act.

Powers and Duties of Directors.

56. The business of the company shall be managed by the directors, who may pay all expenses incurred in promoting and registering the company, and may exercise all such powers of the company as are not, by the Act or by these regulations, required to be exercised by the company in general meeting, subject, nevertheless, to any of these regulations, to the provisions of the Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

57. The directors may exercise all the powers of the company to borrow money and to mortgage or charge its undertaking, property, and uncalled capital, or any part thereof, and to issue debentures and other securities whether outright or as security for any debt, liability, or obligation of the company or of any third party.

FOURTH SCHEDULE—*continued.*

58. The directors may exercise all the powers of the company in relation to any official seal for use outside the State and in relation to branch registers.

59. The directors may from time to time by power of attorney appoint any corporation, firm, or person or body of persons, whether nominated directly or indirectly by the directors, to be the attorney or attorneys of the company for such purposes and with such powers, authorities, and discretions (not exceeding those vested in or exercisable by the directors under these regulations) and for such period and subject to such conditions as they may think fit, and any such powers of attorney may contain such provisions for the protection and convenience of persons dealing with any such attorney as the directors may think fit and may also authorize any such attorney to delegate all or any of the powers, authorities, and discretions vested in him.

60. All cheques, promissory notes, drafts, bills of exchange, and other negotiable instruments, and all receipts for money paid to the company, shall be signed, drawn, accepted, endorsed, or otherwise executed, as the case may be, by any two directors or in such other manner as the directors from time to time determine.

61. The directors shall cause minutes to be made—

(a) of all appointments of officers ;

(b) of names of directors present at all meetings of the company and of the directors ;
and

(c) of all proceedings at all meetings of the company and of the directors.

Such minutes shall be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting.

Proceedings of Directors.

62. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. A director may at any time, and the secretary shall, on the requisition of a director, summon a meeting of the directors.

63. Subject to these regulations questions arising at any meeting of directors shall be decided by a majority of votes and a determination by a majority of directors shall for all purposes be deemed a determination of the directors. In case of an equality of votes the chairman of the meeting shall have a second or casting vote.

64. A director shall not vote in respect of any contract or proposed contract with the company in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.

65. Any director with the approval of the directors may appoint any person (whether a member of the company or not) to be an alternate or substitute director in his place during such period as he thinks fit. Any person while he so holds office as an alternate or substitute director shall be entitled to notice of meetings of the directors and to attend and vote thereat accordingly, and to exercise all the powers of the appointor in his place. An alternate or substitute director shall not require any share qualifications, and shall *ipso facto* vacate office if the appointor vacates office as a director or removes the appointee from office. Any appointment or removal under this regulation shall be effected by notice in writing under the hand of the director making the same.

66. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and, unless so fixed, shall be two.

67. The continuing directors may act notwithstanding any vacancy in their body, but if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors or director may act for the purpose of increasing the number of directors to that number or of summoning a general meeting of the company, but for no other purpose.

68. The directors may elect a chairman of their meetings and determine the period for which he is to hold office ; but if no such chairman is elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the meeting, the directors present may choose one of their number to be chairman of the meeting.

69. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit ; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the directors.

FOURTH SCHEDULE—*continued.*

70. A committee may elect a chairman of its meetings; if no such chairman is elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be chairman of the meeting.

71. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the chairman shall have a second or casting vote.

72. All acts done by any meeting of the directors or of a committee of directors or by any person acting as a director shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such director or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

73. A resolution in writing, signed by all the directors for the time being entitled to receive notice of a meeting of the directors, shall be as valid and effectual as if it had been passed at a meeting of the directors duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more directors.

Managing Directors.

74. The directors may from time to time appoint one or more of their body to the office of managing director for such period and on such terms as they think fit and, subject to the terms of any agreement entered into in any particular case, may revoke any such appointment. A director so appointed shall not, while holding that office, be subject to retirement by rotation or be taken into account in determining the rotation of retirement of directors, but his appointment shall be automatically determined if he ceases from any cause to be a director.

75. A managing director shall, subject to the terms of any agreement entered into in any particular case, receive such remuneration (whether by way of salary, commissions, or participation in profits, or partly in one way and partly in another) as the directors may determine.

76. The directors may entrust to and confer upon a managing director any of the powers exercisable by them upon such terms and conditions and with such restrictions as they may think fit, and either collaterally with or to the exclusion of their own powers, and may from time to time revoke, withdraw, alter, or vary all or any of those powers.

Associate Directors.

77. The directors may from time to time appoint any person to be an associate director and may from time to time cancel any such appointment. The directors may fix, determine and vary the powers, duties and remuneration of any person so appointed, but a person so appointed shall not be required to hold any shares to qualify him for appointment nor have any right to attend or vote at any meeting of directors except by the invitation and with the consent of the directors.

Secretary.

78. The secretary shall in accordance with the Act be appointed by the directors for such term, at such remuneration, and upon such conditions as they may think fit; and any secretary so appointed may be removed by them.

Seal.

79. The directors shall provide for the safe custody of the seal, which shall only be used by the authority of the directors or of a committee of the directors authorized by the directors in that behalf, and every instrument to which the seal is affixed shall be signed by a director and shall be countersigned by the secretary or by a second director or by some other person appointed by the directors for the purpose.

Accounts.

80. The directors shall cause proper accounting and other records to be kept and shall distribute copies of balance-sheets as required by the Act and shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounting and other records of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or paper of the company except as conferred by statute or authorized by the directors or by the company in general meeting.

FOURTH SCHEDULE—*continued.**Dividends and Reserves.*

81. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

82. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

83. No dividend shall be paid otherwise than out of profits or shall bear interest against the company.

84. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as reserves which shall, at the discretion of the directors, be applicable for any purpose to which the profits of the company may be properly applied, and pending any such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares in the company) as the directors may from time to time think fit. The directors may also, without placing the same to reserve, carry forward any profits which they may think prudent not to divide.

85. Subject to the rights of persons, if any, entitled to shares with special rights as to dividend, all dividends shall be divisible among the members in proportion to the shares held by them respectively irrespective of the amount paid up or credited as paid up thereon, but if any share is issued on terms providing that it shall rank for dividend as from a particular date that share shall rank for dividend accordingly.

86. Any general meeting declaring a dividend or bonus may direct payment of such dividend or bonus wholly or partly by the distribution of specific assets and in particular of paid-up shares, debentures or debenture stock of any other company or in any one or more of such ways and the directors shall give effect to such resolution, and where any difficulty arises in regard to such distribution, the directors may settle the same as they think expedient and fix the value for distribution of such specific assets or any part thereof and may determine that cash payments shall be made to any members upon the footing of the value so fixed in order to adjust the rights of all parties, and may vest any such specific assets in trustees as may seem expedient to the directors.

87. Any dividend, interest, or other money payable in cash in respect of shares may be paid by cheque or warrant sent through the post directed to the registered address of the holder or, in the case of joint holders, to the registered address of that one of the joint holders who is first named on the register of members or to such person and to such address as the holder or joint holders may in writing direct. Every such cheque or warrant shall be made payable to the order of the person to whom it is sent. Any one of two or more joint holders may give effectual receipts for any dividends, bonuses, or other money payable in respect of the shares held by them as joint holders.

Capitalization of Profits.

88. The company in general meeting may upon the recommendation of the directors resolve that it is desirable to capitalize any part of the amount for the time being standing to the credit of any of the company's reserve accounts or to the credit of the profit and loss account or otherwise available for distribution, and accordingly that such sum be set free for distribution amongst the members who would have been entitled thereto if distributed by way of dividend and in the same proportions on condition that the same be not paid in cash but be applied either in or towards paying up any amounts for the time being unpaid on any shares held by such members respectively or paying up in full unissued shares or debentures of the company to be allotted and distributed credited as fully paid up to and amongst such members in the proportion aforesaid, or partly in the one way and partly in the other, and the directors shall give effect to such resolution. A share premium account and a capital redemption reserve fund may, for the purposes of this regulation, only be applied in the paying up of unissued shares to be issued to members of the company as fully paid bonus shares.

89. Whenever such a resolution as aforesaid shall have been passed the directors shall make all appropriations and applications of the undivided profits resolved to be capitalized thereby, and all allotments and issues of fully-paid shares or debentures, if any, and generally shall do all acts and things required to give effect thereto, with full power to the directors to make such provision by the issue of fractional certificates or by payment in cash or otherwise as they think fit for the case of shares or debentures becoming distributable in fractions, and also to authorize any person to enter on behalf of all the members entitled thereto into an agreement with the company providing for the allotment to them respectively, credited as fully paid up, of any further shares or debentures to which they may be entitled upon such capitalization, or (as the case may require) for the

FOURTH SCHEDULE—*continued.*

payment up by the company on their behalf, by the application thereto of their respective proportions of the profits resolved to be capitalized, of the amounts or any part of the amounts remaining unpaid on their existing shares, and any agreement made under such authority shall be effective and binding on all such members.

Notices.

90. Subject to the provisions of the Act a notice may be given by the company to any member either personally or by sending it by post to him at his registered address, or (if he has no registered address within the State) to the address, if any, within the State supplied by him to the company for the giving of notices to him. Where a notice is sent by post, service of the notice shall be deemed to be effected, by properly addressing, prepaying, and posting a letter containing the notice, and to have been effected in the case of a notice of a meeting on the day after the date of its posting, and in any other case at the time at which the letter would be delivered in the ordinary course of post.

91. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder first named in the register of members in respect of the share.

92. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased or assignee of the bankrupt, or by any like description, at the address, if any, within the State supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

93. (1) Notice of every general meeting shall be given in any manner hereinbefore authorized to—

- (a) every member except those members who (having no registered address within the State) have not supplied to the company an address within the State for the giving of notices to them ;
- (b) every person entitled to a share in consequence of the death or bankruptcy of a member who, but for his death or bankruptcy, would be entitled to receive notice of the meeting ; and
- (c) the auditor for the time being of the company.

(2) No other person shall be entitled to receive notices of general meetings.

Winding Up.

94. If the company is to be, or is being, wound up the liquidator may, with the sanction of a special resolution of the company, divide amongst the members in kind the whole or any part of the assets of the company (whether they consist of property of the same kind or not) and may for that purpose set such value as he deems fair upon any property to be divided as aforesaid and may determine how the division shall be carried out as between the members or different classes of members. The liquidator may, with the like sanction, vest the whole or any part of any such assets in trustees upon such trusts for the benefit of the contributories as the liquidator, with the like sanction, thinks fit, but so that no member shall be compelled to accept any shares or other securities whereon there is any liability.

95. Subject to the rights of persons, if any, entitled to shares with special rights in a winding up, and to the provisions of subsection (2) of section 330 of the Act all moneys and assets that may be legally distributable among members shall be distributed in proportion to the shares held by them respectively irrespective of the amount paid up or credited as paid up thereon but if a company ceases to carry on business within twelve months of its incorporation, shares issued for cash shall in such distribution to the extent of the capital contributed by subscribing shareholders rank in priority to those issued to vendors or promoters, or both, for other consideration than cash.

Indemnity.

96. Every director, managing director, agent, auditor, secretary, and other officer for the time being of the company shall be indemnified out of the assets of the company against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application under the Act in which relief is granted to him by the Court in respect of any negligence, default, breach of duty or breach of trust.

FIFTH SCHEDULE.

PROSPECTUS.

PART I.

Matters to be Stated.

1. The number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders of those shares in the property and profits of the company.
2. The number of shares, if any, fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors.
3. The names, descriptions, and addresses of all the directors or proposed directors.
4. Where the prospectus relates to shares, particulars as to—
 - (a) the minimum amount which, in the opinion of the directors, must be raised by the issue of those shares in order to provide the sums, or, if any part thereof is to be defrayed in any other manner, the balance of the sums, required to be provided in respect of each of—
 - (i) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue ;
 - (ii) any preliminary expenses payable by the company, and any commission so payable to any person in consideration of his agreeing to subscribe for, or of his procuring or agreeing to procure subscriptions for, any shares in the company ;
 - (iii) the repayment of any money borrowed by the company in respect of any of the foregoing matters ; and
 - (iv) working capital ; and
 - (b) the amounts to be provided in respect of the matters aforesaid otherwise than out of the proceeds of the issue and the sources out of which those amounts are to be provided.
5. Where the prospectus relates to debentures—
 - (a) particulars as to the limit (if any) existing in respect of the company's power to borrow or if there is no such limit a statement to that effect ;
 - (b) the amount of subscriptions that are being sought ; and
 - (c) a statement as to whether or not the company reserves the right to accept or retain over-subscriptions and if the company reserves such a right the limit on the right so reserved.
6. The time of the opening of the subscription lists.
7. The amount payable on application and allotment on each share or where such amount may vary during the currency of the offer, the basis of calculation of the amount so payable and, in the case of a second or subsequent offer of shares, the number, description and amount offered for subscription on each previous allotment made within the two preceding years, the number actually allotted, and the amount, if any, paid on the shares so allotted.
8. The number, description, and amount of any shares in or debentures of the company which any person has, or is entitled to be given, an option to subscribe for, together with the following particulars of the option—
 - (a) the period during which it is exercisable ;
 - (b) the price to be paid for shares or debentures subscribed for under it ;
 - (c) the consideration, if any, given or to be given for it or for the right to it ;
 - (d) the names and addresses of the persons to whom it or the right to it was given or, if given to existing shareholders or debenture holders as such, the relevant shares or debentures.
9. The number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued.
10. (1) With respect to any property to which this paragraph applies—
 - (a) the names and addresses of the vendors ;
 - (b) the amount payable in cash, shares, or debentures to the vendor and, where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor ;

Section 89.
 U.K. 4th
 Schedule.
 N.S.W. 8th
 Schedule.
 Vic. 5th
 Schedule.
 Qld. 4th
 Schedule.
 S.A. s. 50
 Parts A, B, C
 W.A. s. 47
 Parts A, B, C.
 Tas. 5th
 Schedule.

FIFTH SCHEDULE—*continued.*

- (c) short particulars of any transaction relating to the property completed within the two preceding years in which any vendor of the property to the company or any person who is, or was at the time of the transaction, a promoter or a director or proposed director of the company had any interest direct or indirect.
- (2) The property to which this paragraph applies is property purchased or acquired by the company or by any subsidiary of the company or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus or the purchase or acquisition of which has not been completed at the date of the issue of the prospectus, other than property the contract for the purchase or acquisition whereof was entered into in the ordinary course of the company's or the subsidiary's business, the contract not being made in contemplation of the issue nor the issue in consequence of the contract.
11. The amount, if any, paid or payable as purchase money in cash, shares, or debentures for any property to which the last preceding paragraph applies, specifying the amount, if any, payable for goodwill.
12. The amount, if any, paid within the two preceding years, or payable, as commission (but not including commission to sub-underwriters) for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in or debentures of the company, or the rate of any such commission, and the names of any directors or promoters or experts or proposed directors who are entitled to receive any such commission and the amount or rate thereof.
13. The amount or estimated amount of preliminary expenses and the persons by whom any of those expenses have been paid or are payable, and the amount or estimated amount of the expenses of the issue and the persons by whom any of those expenses have been paid or are payable.
14. Any amount or benefit paid or given within the two preceding years or intended to be paid or given to any promoter, and the consideration for the payment or the giving of the benefit.
15. The dates of, parties to, and general nature of every material contract, not being a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company or a contract entered into more than two years before the date of issue of the prospectus.
16. The names and addresses of the auditors, if any, of the company.
17. Full particulars of the nature and extent of the interest, if any, of every director and of every expert in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director or such an expert consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person in the case of a director either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company or (in the case of an expert) for services rendered by him or the firm in connection with the promotion or formation of the company.
18. Where the prospectus relates to shares, if the share capital of the company is divided into different classes of shares, the right of voting at meetings of the company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively.
19. In the case of a company which has been carrying on business, or of a business which has been carried on, for less than three years, the length of time during which the business of the company or the business to be acquired, as the case may be, has been carried on.

PART II.

Reports to be Set Out.

20. (1) A report by a registered company auditor, who shall be named in the prospectus with respect to—
- (a) profits and losses and assets and liabilities of the company and of any guarantor company referred to in the prospectus, in accordance with sub-paragraph (2) or (3) of this paragraph, as the case requires; and
- (b) the rates of the dividends, if any, paid by the company in respect of each class of shares in respect of each of the five financial years immediately preceding the issue of the prospectus, giving particulars of each such class of shares on which such dividends have been paid and particulars of the cases in which no

FIFTH SCHEDULE—*continued.*

dividends have been paid in respect of any class of shares in respect of any of those years,

and, if no accounts have been made up in respect of any part of the period of five years ending on a date three months before the issue of the prospectus, containing a statement of that fact.

(2) If the company or the guarantor companies have no subsidiaries, the report shall—

- (a) so far as regards profits and losses, deal with the profits or losses of the company and of the guarantor companies referred to in the prospectus in respect of each of the five financial years immediately preceding the last date to which the accounts of the company were made up;
- (b) so far as regards assets and liabilities, deal with the assets and liabilities of the company and of the guarantor companies referred to in the prospectus at the last date to which the accounts of the companies were made up,

which date shall in no case be more than nine months (or, if the Minister having regard to the circumstances of any particular case consents thereto in writing, twelve months) before the issue of the prospectus.

(3) If the company or the guarantor companies have subsidiaries, the report shall—

- (a) so far as regards profits and losses—
 - (i) deal as aforesaid separately with the company's and the guarantor companies' (other than subsidiaries') profits or losses as provided by subparagraph (2) hereof and in addition deal as aforesaid either—
 - (A) as a whole with the combined profits or losses of their subsidiaries; or
 - (B) individually with the profits or losses of each subsidiary; or
 - (ii) deal as aforesaid as a whole with the profits or losses of the company and of the guarantor companies and with the combined profits or losses of their subsidiaries;
- (b) so far as regards assets and liabilities, deal as aforesaid separately with the company's and the guarantor companies' (other than subsidiaries') assets and liabilities as provided by subparagraph (2) hereof, and in addition deal as aforesaid either—
 - (i) as a whole with the combined assets and liabilities of its or their subsidiaries, with or without the company's assets and liabilities; or
 - (ii) individually with the assets and liabilities of each subsidiary,

and shall indicate as regards the profits or losses and assets and liabilities of the subsidiaries the allowance to be made for persons other than members of the company.

21. If the proceeds, or any part of the proceeds, of the issue of the shares or debentures are to be applied directly or indirectly in the purchase of any business, a report by a registered company auditor (who shall be named in the prospectus) with respect to—

- (a) the profits or losses of the business in respect of each of the five financial years immediately preceding the last date to which the accounts of the business were made up; and
- (b) the assets and liabilities of the business at the last date to which the accounts of the business were made up,

which date shall in no case be more than nine months (or, if the Minister having regard to the circumstances of any particular case consents thereto in writing, twelve months) before the issue of the prospectus.

22. (1) If—

- (a) the proceeds, or any part of the proceeds, of the issue of the shares or debentures are to be applied directly or indirectly in any manner resulting in the acquisition by the company of shares in any other corporation; and
- (b) by reason of that acquisition or anything to be done in consequence thereof or in connection therewith that corporation will become a subsidiary of the company,

a report by a registered company auditor (who shall be named in the prospectus) with respect to—

- (i) the profits or losses of the other corporation in respect of each of the five financial years immediately preceding the last date to which the accounts of the corporation were made up; and
- (ii) the assets and liabilities of the other corporation at the last date to which the accounts of the corporation were made up,

which date shall in no case be more than nine months (or, if the Minister having regard

FIFTH SCHEDULE—*continued*.

to the circumstances of the particular case consents thereto in writing, twelve months) before the issue of the prospectus.

(2) The report shall—

- (a) indicate how the profits or losses of the other corporation dealt with by the report would, in respect of the shares to be acquired, have concerned members of the company and what allowance would have fallen to be made, in relation to assets and liabilities so dealt with, for holders of other shares, if the company had at all material times held the shares to be acquired; and
- (b) where the other corporation has subsidiaries, deal with the profits or losses and the assets and liabilities of the corporation and its subsidiaries in the manner provided by subparagraph (3) of paragraph 20 of this Schedule in relation to the company and its subsidiaries.

23. A report by the directors as to whether after due inquiry by them in relation to the interval between the date to which the last accounts have been made up and a date not earlier than fourteen days before the issue of the prospectus—

- (a) the business of the company has in their opinion been satisfactorily maintained;
- (b) there have in their opinion arisen any circumstances adversely affecting the company's trading or the value of its assets;
- (c) the current assets appear in the books at values which are believed to be realizable in the ordinary course of business;
- (d) there are any contingent liabilities by reason of any guarantees given by the company or any of its subsidiaries;
- (e) there are, since the last annual report, any changes in published reserves or any unusual factors affecting the profit of the company and its subsidiaries.

PART III.

Provisions Applying to Parts I and II of this Schedule.

24. Paragraphs 2, 13 (so far as it relates to preliminary expenses), and 17 of this Schedule shall not apply in the case of a prospectus issued more than two years after the date at which the company is entitled to commence business.

25. Every person shall for the purposes of this Schedule be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company in any case where—

- (a) the purchase money is not fully paid at the date of the issue of the prospectus;
- (b) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or
- (c) the contract depends for its validity or fulfilment on the result of that issue.

26. Where any property to be acquired by the company is to be taken on lease this Schedule shall have effect as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

27. References in paragraph 8 of this Schedule to an option to subscribe for shares or debentures shall include an option to acquire them from a person to whom they have been allotted or agreed to be allotted with a view to his offering them for sale, but shall not include an option to subscribe for or acquire shares pursuant to a *bona fide* underwriting or sub-underwriting agreement.

28. For the purposes of paragraph 10 of this Schedule, where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors.

29. If in the case of a company which has been carrying on business, or of a business which has been carried on, for less than five years, the accounts of the company or business have only been made up in respect of four years, three years, two years, or one year, Part II of this Schedule shall have effect as if references to four years, three years, two years, or one year, as the case may be, were substituted for references to five years.

30. The expression "financial year" in Part II of this Schedule means the year in respect of which the accounts of the company or of the business, as the case may be, are made up and where by reason of any alteration of the date on which the financial year of the company or business terminates the accounts of the company or business have been made up for a period greater or less than a year, that greater or less period shall for the purposes of that Part of this Schedule be deemed to be a financial year.

31. Any report required by Part II of this Schedule shall either indicate by way of note any adjustments as respects the figures of any profits or losses or assets and liabilities dealt with by the report which appear to the persons making the report necessary or shall make those adjustments and indicate that adjustments have been made.

SIXTH SCHEDULE.

STATEMENT IN LIEU OF PROSPECTUS.

PART I.

Statement in Lieu of Prospectus lodged for Registration by [insert name of the company].

Section 51.
U.K. 3rd and 5th Schedules.
N.S.W. 4th and 9th Schedules.
Vic. 6th Schedule.
Qsld. 5th Schedule.
S.A. 3rd and 4th Schedules.
W.A. 4th and 5th Schedules.
Tas. 6th Schedule.

The nominal share capital of the company £
Divided into

Shares of £ each : £
Shares of £ each : £
Shares of £ each : £

Amount (if any) of above capital which consists of redeemable preference shares

Shares of £ each : £

The date on or before which these shares are, or are liable, to be redeemed

Names, descriptions, and addresses of directors or proposed directors

If the share capital of the company is divided into different classes of shares, the right of voting at meetings of the company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively

Number and amount of shares and debentures, issued within the two years preceding the date of this statement or proposed or agreed to be issued as fully or partly paid up otherwise than in cash

1. shares of £ fully paid
2. shares upon which £ per share credited as paid
3. debentures £
4. Consideration :

The consideration for the issue or intended issue of those shares and debentures

Number, description, and amount of any shares or debentures which any person has or is entitled to be given an option to subscribe for, or to acquire from a person to whom they have been allotted or agreed to be allotted with a view to his offering them for sale

1. shares of £ and debentures of £
2. Until
3. £
4. Consideration :
5. Names and addresses :

Period during which option is exercisable.....

Price to be paid for shares or debentures subscribed for or acquired under option

Consideration for option or right to option.....

Persons to whom option or right to option was given or, if given to existing shareholders or debenture holders as such, the relevant shares or debentures

Names and addresses of vendors of property purchased or acquired or proposed to be purchased or acquired by the company except where the contract for its purchase or acquisition was entered into in the ordinary course of the business intended to be carried on by the company or the amount of the purchase money is not material

Amount (in cash, shares, or debentures) payable to each separate vendor

Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill

Total purchase price £

Cash £
Shares £
Debentures £

Goodwill £

Short particulars of any transaction relating to any such property which was completed within the two preceding years and in which any vendor to the company or any person who is, or was at the time thereof, a promoter, director, or proposed director of the company had any interest direct or indirect

Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company ; or

Amount paid : £
Amount payable : £

Rate of the commission

per cent

SIXTH SCHEDULE—*continued.*

Amount or rate of brokerage	£
The number of shares, if any, which persons have agreed for a commission to subscribe absolutely	
Amount or estimated amount of preliminary expenses	
By whom those expenses have been paid or are payable	
Amount paid or intended to be paid to any promoter	
Consideration for the payment	Name of promoter :
Any other benefit given or intended to be given to any promoter	Amount : £
Consideration for giving of benefit	Consideration :
Dates of, parties to, and general nature of every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the delivery of this statement)	Name of promoter :
Time and place at which the contracts or copies thereof or (1) in the case of a contract not reduced into writing, a memorandum giving full particulars thereof, and (2) in the case of a contract wholly or partly in a foreign language, a copy of a translation thereof in English or embodying a translation in English of the parts in a foreign language, as the case may be, being a translation certified in the prescribed manner to be a correct translation may be inspected	Nature and value of benefit
Names and addresses of the auditors of the company (if any)	Consideration :
Full particulars of the nature and extent of the interest of every director, and of every expert, in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director or expert consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person (in the case of a director) either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company or (in the case of an expert) for services rendered by him or the firm in connection with the promotion or formation of the company	
<i>And, also, in the case of a statement to be lodged by a proprietary company or a private company on becoming a public company, the following items :—</i>	
Rates of the dividends (if any) paid by the company in respect of each class of shares in the company in respect of each of the five financial years immediately preceding the date of this statement or since the incorporation of the company, whichever period is the shorter.	
Particulars of the cases in which no dividends have been paid in respect of any class of shares in respect of any of those years.	

PART II.

Reports to be Set Out.

1. Where it is proposed to acquire a business, a report by a registered company auditor (who shall be named in the statement) with respect to—
 - (a) the profits or losses of the business in respect of each of the five financial years immediately preceding the lodging of the statement with the Registrar; and
 - (b) the assets and liabilities of the business at the last date to which the accounts of the business were made up.

2. (1) Where it is proposed to acquire shares in a corporation which by reason of the acquisition or anything to be done in consequence thereof or in connection therewith will become a subsidiary of the company, a report by a registered company auditor (who

SIXTH SCHEDULE—*continued.*

shall be named in the statement) with respect to the profits and losses and assets and liabilities of the other corporation in accordance with subparagraph (2) or (3) of this paragraph, as the case requires, indicating how the profits or losses of the other corporation dealt with by the report would, in respect of the shares to be acquired, have concerned members of the company, and what allowance would have fallen to be made, in relation to assets and liabilities so dealt with, for holders of other shares, if the company had at all material times held the shares to be acquired.

(2) If the other corporation has no subsidiaries, the report referred to in subparagraph (1) of this paragraph shall—

- (a) so far as regards profits and losses, deal with the profits or losses of the other corporation in respect of each of the five financial years immediately preceding the delivery of the statement to the Registrar; and
- (b) so far as regards assets and liabilities, deal with the assets and liabilities of the other corporation at the last date to which the accounts of the corporation were made up.

(3) If the other corporation has subsidiaries, the report referred to in subparagraph (1) of this paragraph shall—

- (a) so far as regards profits and losses, deal separately with the other corporation's profits or losses as provided by sub-paragraph (2) of this paragraph, and in addition deal as aforesaid either—
 - (i) as a whole with the combined profits or losses of its subsidiaries, or
 - (ii) individually with the profits or losses of each subsidiary,
 or, instead of dealing separately with the other corporation's profits or losses, deal as aforesaid as a whole with the profits or losses of the other corporation and with the combined profits or losses of its subsidiaries; and
- (b) so far as regards assets and liabilities, deal separately with the other corporation's assets and liabilities as provided by sub-paragraph (2) of this paragraph, and, in addition, deal as aforesaid either—
 - (i) as a whole with the combined assets and liabilities of its subsidiaries, with or without the other corporation's assets and liabilities; or
 - (ii) individually with the assets and liabilities of each subsidiary,

and shall indicate as respects the profits or losses and the assets and liabilities of the subsidiaries the allowance to be made for persons other than members of the company.

NOTE.—Where a company is not required to furnish any of the reports referred to in this Part, a statement to that effect giving the reasons therefor should be furnished.

(Signatures of the persons abovenamed as directors _____
 or proposed directors or of their agents authorized _____
 in writing)

Date

PART III.

Provisions Applying to Parts I and II of this Schedule.

3. In this Schedule the expression "vendor" includes any person who is a vendor for the purposes of the Fifth Schedule to this Act, and the expression "financial year" has the meaning assigned to it in Part III of that schedule.

4. If in the case of a business which has been carried on, or of a corporation which has been carrying on business, for less than five years, the accounts of the business or corporation have only been made up in respect of four years, three years, two years, or one year, Part II of this Schedule shall have effect as if references to four years, three years, two years, or one year, as the case may be, were substituted for references to five years.

5. Any report required by Part II of this schedule shall either indicate by way of note any adjustments as respects the figures of any profits or losses or assets and liabilities dealt with by the report which appear to the persons making the report necessary or shall make those adjustments and indicate that adjustments have been made.

N.S.W. 14th
Schedule

Vic. 7th
Schedule.

Qsld. 18th
Schedule.

Tas. 7th
Schedule.

S.A. s. 114g (2),
S.A. Coy. Regs.

SEVENTH SCHEDULE

STATEMENT REQUIRED PURSUANT TO DIVISION V OF PART IV.

PART I.

MATTERS REQUIRED TO BE STATED IN STATEMENT.

1. The date of the statement.
2. The date of and parties to the deed referred to in section 83.
3. The date of and parties to any deed or instrument by which any of the provisions of the approved deed relating to the interest has been amended or abrogated.
4. The name of the trustee or representative under any such deed and the address of the trustee's or representative's registered office.
5. A summary of the provisions of the deed regulating the retirement, removal and replacement of the trustee or representative.
6. The name of the management company and the address of its registered office.
7. The names, descriptions, and addresses of all the directors of the management company.
8. A summary of the provisions of the deed regulating the retirement, removal and replacement of the management company.
9. The name and address of the auditor of the accounts relating to interests under the deed.
10. A summary of the provisions of the deed regulating the appointment, retirement, removal and replacement of such auditor.
11. The duration, if ascertainable, of the undertaking, scheme, enterprise, or investment contract to which the deed relates or if the duration is not ascertainable, that fact.
12. Full particulars with respect to the termination or winding up of the undertaking, scheme, enterprise or investment contract.
13. Such particulars as are sufficient to disclose the true nature of the undertaking, scheme, enterprise or investment contract in respect of which the interest is to be issued or offered to the public for subscription or purchase and the property to which the interest relates.
14. The nature of the interest to be so issued or offered and of any units or sub-units into which the interest is divided and the rights in relation thereto of the persons who become the holders thereof.
15. The address where the register of interest holders is or will be kept and the days on and the hours during which it is or will be accessible to the public.
16. The method of calculation provided by the deed of the price at which the management company may sell the interest or any right in respect thereof or any unit or sub-unit of the interest.
17. Such particulars as are sufficient to describe the duties and obligations imposed on the trustee or representative appointed by the deed relating to the interest.
18. The name and address of each person or corporation with whom or with which a holder of the interest is required, obliged or entitled, in connection with the undertaking, scheme, enterprise or investment contract, to enter into any contract whether by way of lease or otherwise.
19. The full names, descriptions and residential addresses of the directors of each corporation referred to in clause 18 of this Schedule.
20. Whether any real or personal property to which the interest relates is or will become vested in the trustee or representative, the nature and description of such property and the conditions or circumstances under which it is or will become so vested.
21. Where the interest consists of rights or interests in or arising out of an investment relating to property that ordinarily depreciates in value through use or effluxion of time, such particulars as are sufficient to disclose the true particulars of the provision made for the replacement of such property and the source or sources from which such replacement is to be made or from which the cost of such replacement is to be met.

SEVENTH SCHEDULE—*continued.*

22. The full names and residential addresses of the vendors of any property to which the interest relates, whether such property was purchased or acquired by the management company or by any person or corporation referred to in clause 18 of this Schedule or is proposed to be so purchased or acquired, a full and true description of such property and the amount paid or to be paid therefor to each vendor.

23. Such particulars as are sufficient to disclose the true nature and extent of the interest, if any, of each director of the management company, whether as a director, shareholder, partner or otherwise, in the business of each such vendor and in such property.

24. The obligations imposed upon the management company or any other person to purchase from any holder thereof the interest or any rights in respect thereof or the units or sub-units of the interest for which he has subscribed or which he has purchased, and a statement of the method provided by the deed for the calculation of the purchase price thereof.

25. A summary of the rights and obligations of the management company and of the trustee or representative governing the valuation of any investment made or property held in relation to the interest.

26. A summary of the provisions of the deed whereby investments or other property comprising or forming part of the interest to which the deed relates may be varied.

27. Full information regarding the remuneration of the trustee or representative and the management company respectively, the manner in which under the provisions of the deed such remuneration is provided for, and the charges (if any) that will be made by way of such remuneration upon the sale of or subscription for any such interest and upon the distribution of income and capital or otherwise in connection with the relevant undertaking, scheme, enterprise or investment contract.

28. Whether the interest or any rights in respect thereof or any units or sub-units of the interest are transferable by the holders thereof and, if so, a summary of the provisions of the deed regulating such transfer.

29. A summary of the provisions of the deed relating to the distribution to the holders of the interest or of units or sub-units of the interest of the income derived from the undertaking, scheme, enterprise or investment contract.

30. Full information as to whether and to what extent any factor other than cash receipts by way of dividend, interest or bonus has been or will be taken into account in calculating the amount of income that will be payable to an interest holder.

31. If any reference is made to the yield of income obtained or likely to be obtained by the holders of the interest or of units or sub-units of the interest, a statement as to whether and to what extent anything other than cash receipts by way of dividends, interest or bonuses has been taken into account in calculating the yield.

32. A summary of the provisions of the Act and of the deed regulating the convening of meetings of holders of the interest or of units or sub-units of the interest.

33. The name and description and the date of commencement of operation of every other undertaking, scheme, enterprise or investment contract involving the issue of interests to the public conducted by the management company within the five years immediately preceding the date of the statement.

34. A declaration—

- (a) that no units or sub-units of interests purchased or subscribed for pursuant to the statement shall be allotted later than six months after the date appearing in the statement pursuant to paragraph 1 hereof; and
- (b) unless the conditions of issue of the units or sub-units expressly provide that certificates be not issued, that certificates shall be issued by the trustee or representative to purchasers of or subscribers for units or sub-units of interests purchased or subscribed for pursuant to the statement not more than two months after the allotment of the units or sub-units.

35. A summary of the provisions of the deed with respect to the undertakings—

- (a) by or on behalf of the management company relating to the allotment of interests and of units or sub-units of interests to which the deed relates; and
- (b) by or on behalf of the trustee or representative relating to the issue to holders of interests and of units or sub-units of interests of certificates of title thereto.

SEVENTH SCHEDULE—*continued.*

PART II.

REPORTS TO BE SET OUT IN STATEMENT.

36. A report or reports by a person who at the time of making the report or reports was a registered company auditor, and whose name must appear as such in the statement, setting out—

- (a) such information as sufficiently discloses the number of distributions (if any) of income to holders of interests or of units or sub-units of interests to which the deed relates in each of the five years immediately preceding the date of the statement during which those interests had been in existence, the amount of each distribution and the extent to which each distribution consisted of any component other than dividends, interest and bonuses, and where it consisted of any component other than dividends, interest and bonuses, the nature and value of each of those components;
- (b) such information, as sufficiently discloses the selling price and the purchase price, respectively, of those interests, units or sub-units on the date upon which each distribution was made;
- (c) such information as sufficiently discloses the selling price and purchase price, respectively, of those interests, units or sub-units on such date, being a date within a period of fourteen days immediately preceding the date of the statement as is specified in the relevant report;
- (d) in respect of every issue of interests relating to any other undertaking, scheme, enterprise or investment contract conducted or entered into by the management company within the period of five years immediately preceding the date of the statement, similar information to that required under paragraphs (a), (b) and (c) of this clause; and
- (e) the profits or losses of the management company (and of every corporation with which a holder of the interest is required, obliged or entitled, pursuant to the undertaking, scheme, enterprise or investment contract, to enter into any contract) in respect of each of the five years during which the company and corporation, respectively, were carrying on business immediately preceding the date of the statement, and the rates of dividend (if any) paid by that company and that corporation in respect of each of those years, and the assets and liabilities of that company and of that corporation as at the last date to which its accounts were made up.

37. If in the case of a company which has been carrying on business, or of a business which has been carried on, for less than five years, the accounts of the company or business have only been made up in respect of four years, three years, two years, or one year, this Schedule shall have effect as if references to four years, three years, two years, or one year, as the case may be, were substituted for references to five years.

EIGHTH SCHEDULE.

PART I.

Contents of Annual Return of a Company Having a Share Capital.

Sections 158,
160.

U.K. 6th
Schedule.
N.S.W. 6th
Schedule.
Vic. 8th
Schedule.
Qsld. 6th
Schedule.
S.A. s. 129, 5th
Schedule.
W.A. 6th
Schedule.
Tas. 8th
Schedule.

1. The address of the registered office of the company.
2. In a case in which the register of members is kept elsewhere than at the registered office, the address of the place where it is kept.
3. A summary, distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, specifying—
 - (a) the amount of the share capital of the company, and the number of the shares into which it is divided;
 - (b) the number of shares taken up from the incorporation of the company to the date of the return;
 - (c) the amount called up on each share;
 - (d) the total amount of calls received, including payments on application and allotment;
 - (e) the total amount (if any) agreed to be considered as paid on shares which have been issued as fully or partly paid up otherwise than in cash;
 - (f) the total amount of calls unpaid;
 - (g) the total amount of the sums (if any) paid by way of commission in respect of any shares or debentures since the date of the last return;
 - (h) particulars of the discount allowed on the issue of any shares issued at a discount, or of so much of that discount as has not been written off at the date of the return;

EIGHTH SCHEDULE—*continued.*

- (i) the total amount of the sums, if any, allowed by way of discount in respect of any debentures since the date of the last return ;
- (j) the total number of shares forfeited ; and
- (k) the total amount (if any) paid on shares forfeited.

4. Particulars of the total amount of the indebtedness of the company in respect of all charges which are required to be registered with the Registrar.

5. Except in the case of a no-liability company and in the case of a company exempted under the provision of section 160 of this Act, a list as at the date of the return or as at such other date as the Registrar authorizes in the case of any company—

- (a) containing the names (that is to say at least the surname and one christian or other name and other initials) and addresses of all persons who on such date are members of the company ;
- (b) stating the number of shares held by each member at the date of the list ; and
- (c) if the names are not arranged in alphabetical order, having annexed thereto an index sufficient to enable the name of any person in the list to be easily found.

6. Where the company has converted any of its shares into stock and given notice of the conversion to the Registrar, the list must give particulars as to the amount of stock or the number of stock units instead of the amount of shares.

7. In the case of a company keeping a branch register—

- (a) references in paragraphs 5 and 6 of this schedule to particulars required shall be taken as not including any such particulars contained in the branch register, in so far as copies of the entries containing those particulars are not received at the registered office of the company before the date of the list in question ; and
- (b) where an annual return or a list of members is dated between the date when any entries are made in the branch register and the date when copies of those entries are received at the registered office of the company, the particulars contained in those entries, so far as relevant to an annual return, shall be included in the next or a subsequent annual return as may be appropriate having regard to the particulars included in that return with respect to the company's register of members.

8. All such particulars with respect to the persons who at the date of the return are the directors of the company and any person who at that date is a manager or secretary of the company as are by this Act required to be contained in the register of directors, managers and secretaries.

9. Name and address of the auditor of the company.

10. In the case of a no-liability company particulars of—

- (a) the date when each call made since the date of the last return, or in the case of a first return since incorporation, was payable ;
- (b) the dates since the last return, or, in the case of a first return since incorporation, when shares forfeited were offered for sale and the place of offer ;
- (c) the number of shares sold at each sale of forfeited shares made since the date of the last return or in the case of a first return since incorporation ;
- (d) the number of shares unsold at each offer for sale of forfeited shares made since the date of the last return or in the case of a first return since incorporation ; and
- (e) the number of shares disposed of pursuant to subsection (3) of section 324 since the date of the last return being shares withdrawn from sale or for which no bid was received.

PART II.

Form of Annual Return of a Company Having a Share Capital.

Annual return of the _____ Limited
 made up to the _____ day of _____ 19 _____ [being
 the date of or a date not later than the fourteenth day after the date of the Annual
 General Meeting in 19 _____].
 The date of the annual general meeting of the company was _____ 19 _____ .
 The address of the registered office of the company is _____ .
 The address of the place at which the register of members is kept if other than the
 registered office is _____

EIGHTH SCHEDULE—continued.

Summary of Share Capital and Shares.

Nominal share capital £	divided into }	shares of £	each.
		shares of £	each
Total number of shares taken up ¹ to the day of 19 (being the date of the return or other authorized date).			
Number of shares issued subject to payment wholly in cash			
Number of shares issued as fully paid up otherwise than in cash			
Number of shares issued as partly paid up to the extent of share otherwise than in cash	per }		
² Number of shares (if any) of each class issued at a discount			
Total amount of discount on the issue of shares which has not been written off at the date of this return		£	
³ There has been called up on each of	shares, £	.	
³ There has been called up on each of	shares, £	.	
³ There has been called up on each of	shares, £	.	
⁴ Total amount of calls received including payments on application and allotment		£	
Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash		£	
Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of per share otherwise than in cash		£	
Total amount of calls unpaid		£	
Total amount of the sums (if any) paid by way of commission in respect of any shares or debentures since the date of the last return		£	
Total amount of the sums (if any) allowed by way of discount in respect of any debentures since the date of the last return		£	
Total number of shares forfeited			
Total amount paid (if any) on shares forfeited		£	
⁵ Total amount of the indebtedness of the company in respect of all charges which are required to be registered with the Registrar of Companies		£	

¹Where there are shares of different kinds or amounts (e.g., Preference and Ordinary, or £10 and £5) state the number and nominal value of each separately.

²If the shares are of different kinds, state them separately.

³Where various amounts have been called or there are shares of different kinds, state them separately.

⁴Include what has been received on forfeited as well as on existing shares.

⁵State in respect of each charge, the date of registration, and the amount of indebtedness at the date of the return.

Copy of last audited Balance-sheet and Profit and Loss Account of the Company.

Except where the company is an exempt proprietary company on the date of the return and has been an exempt proprietary company since the date of the previous return, the incorporation of the company or the commencement of this Act, whichever last occurs, or is a company registered under the law of the Commonwealth relating to life insurance this return must include a copy, certified by a director or by the manager or secretary of the company to be a true copy of the last balance-sheet and of the last profit and loss account which have respectively been audited by the company's auditors (including every document required by law to be annexed or attached thereto) together with a copy of the report of the auditors thereon (certified as aforesaid) and if any such balance-sheet or account is in a foreign language there must also be annexed to it a translation thereof in English certified in the prescribed manner to be a correct translation. If the said last balance-sheet or account did not comply with the requirements of the law as in force at the date of the audit there must be made such additions to and corrections in the said copy as would have been required to be made therein in order to make it comply with the said requirements, and the fact that the said copy has been so amended must be stated thereon. If a company has more than one such audited balance-sheet or profit and loss account since the date of the last return, every such balance-sheet and profit and loss account must be included.

EIGHTH SCHEDULE—continued.

Certificate to be Given by all Companies.

A certificate in the form set out hereunder shall be given by the secretary or a director of every company and, in the case of an exempt proprietary company or in the case of a prescribed proprietary company or a prescribed private company (as defined in section 397) by both a director and a secretary.

Certificate.

I/We⁽¹⁾ after having made due inquiries certify—

(a) that the provisions of the Unclaimed Moneys Act, 1891-1935, as amended relating to unclaimed moneys have been complied with; and

(b) having made an inspection of the share register, that transfers

have⁽¹⁾ been registered since the date of *the last annual return*⁽¹⁾
have not been registered since the date of *the incorporation of the company*

(c)⁽²⁾ that the company has not since the date of the last annual return⁽³⁾ issued any invitation to the public to subscribe for any shares in or debentures of the company or to deposit moneys for fixed periods or payable at call.

(d)⁽⁴⁾ that the excess of members of the company above fifty (counting joint holders of shares as one person) consists wholly of persons who are in the employment of the company or of its subsidiary or persons who while previously in the employment of the company or of its subsidiary were and thereafter have continued to be members of the company.

(e)⁽⁵⁾ that to the best of our knowledge and belief the company is an exempt proprietary company and has been an exempt proprietary company within the meaning of section 5 of the Companies Act, 1962 since the—

{ date of the previous return⁽⁶⁾
incorporation of the Company⁽⁶⁾
commencement of the Companies Act, 1962⁽⁶⁾

(f)⁽⁷⁾ that—

(i) the company is a prescribed proprietary company⁽¹⁾/a prescribed private company⁽¹⁾; and

(ii) the company has had no place of business outside the State, has not carried on business in any place outside the State and, to the best of our knowledge and belief, the company has been a prescribed proprietary company⁽¹⁾/a prescribed private company⁽¹⁾ since the—

{ date of the previous return⁽⁶⁾
incorporation of the company⁽⁶⁾
commencement of the Companies Act, 1962⁽⁶⁾

(g)⁽⁷⁾ that, to the best of our knowledge and belief—

(i) the beneficial interests in the shares in the company are held and since the—

{ date of the previous return⁽⁶⁾
incorporation of the company⁽⁶⁾
commencement of the Companies Act, 1962⁽⁶⁾

have been held solely by natural persons or by other prescribed proprietary companies or prescribed private companies or by a combination of such companies or of natural persons and such companies; and

(ii) a public company or a foreign company does not own and since such date⁽⁶⁾/incorporation⁽⁶⁾/commencement⁽⁶⁾ has not owned a beneficial interest in a share in any of such companies or in any corporation that, by virtue of sub-section (5) of section 6 of the Act, is deemed to be related to any of them.

(h)⁽⁸⁾ that on the _____ day of _____ 19____, all the members of the company agreed pursuant to section 165 of the Companies Act, 1962, not to appoint an auditor for the financial year, 19____.

Signature

Director⁽⁹⁾

Signature

Secretary

(1) Strike out whichever is inapplicable.

(2) Strike out this paragraph if the company is not a proprietary company or a private company.

(3) In the case of the first annual return of a proprietary company or a private company strike out the words "last annual return" and substitute therefor the words "incorporation of the company".

(4) Strike out this paragraph except in the case of a proprietary company or a prescribed private company whose members exceed fifty.

(5) Strike out except in the case of an exempt proprietary company.

(6) Strike out if not appropriate.

(7) Strike out this paragraph if inapplicable. Note this paragraph is only applicable to a prescribed proprietary company or a prescribed private company.

(8) Strike out this paragraph if inapplicable. Note this paragraph is only applicable to an exempt proprietary company.

(9) NOTE.—A Certificate signed by the same person in the capacity of both director and secretary will not be accepted. See section 132 (5).

EIGHTH SCHEDULE—continued.

Particulars of the *Directors, Managers, Secretaries and Auditors of Limited,
at the date of the Annual Return.

The Present Christian or Other Name or Names and Surname†.	Any Former Christian or Other Name or Names or Surname.	Usual Address‡.	Other Business Occupation and in the case of Directors Particulars of Other Directorships required to be shown by s. 134 (2) (c) and (3) (If none, state so).
Directors			
Manager (if any)			
Secretaries			
Auditors for current financial year			

* "Director" includes any person who occupies the position of a director by whatever name called and any person in accordance with those directions or instructions the directors of a company are accustomed to act.

† In the case of a corporation its corporate name and registered or principal office should be shown.

‡ In the case of directors the address given must be the usual residential address. See s. 134 (2) (a).

List of persons holding shares in the _____ day of _____ 19 _____ Limited on the return or other authorized date) and an account of the shares so held. (being the date of)

NOTE.—If the names in this list are not arranged in alphabetical order, an index sufficient to enable the name of any person in the list to be readily found must be annexed to this list.

NOTE.—In the case of a no-liability company or a company exempted under the provisions of section 160 of the Companies Act, 1962 this list is not required to be supplied

Folio in Register Ledger Containing Particulars.	Names and Addresses.	*Number of Shares held by Existing Members‡.

* The aggregate number of shares held, and not the distinctive numbers, must be stated, and the column must be added up throughout so as to make one total to agree with that stated in the summary to have been taken up.

‡ When the shares are of different classes these columns may be subdivided so that the number of each class held may be shown separately. Where any shares have been converted into stock particulars of the amount of stock must be shown.

EIGHTH SCHEDULE—*continued.**No-Liability Companies.*

Particulars as to calls and sales of forfeited shares (to be given only in the case of a no-liability company)—

- (a) the date when each call made since the date of the last return or, in the case of a first return, since incorporation was payable ;
- (b) the dates since the last return or, in the case of a first return, since incorporation when shares forfeited were offered for sale and the place of offer ;
- (c) the number of shares sold at each sale of forfeited shares made since the date of the last return or, in the case of a first return, since incorporation ;
- (d) the number of shares unsold at each offer for sale of forfeited shares made since the date of the last return or, in the case of a first return, since incorporation ; and
- (e) the number of shares disposed of pursuant to subsection (3) of section 324 of the Companies Act, 1962 since the date of the last return being shares withdrawn from sale or for which no bid was received.

[Signature].

[State whether director or manager or secretary]

NINTH SCHEDULE.

ACCOUNTS.

Profit and Loss Account.

1. There shall be shown in respect of the period of accounting—
 - (a) the net balance of profit and loss on the company's trading ;
 - (b) income from investments in subsidiaries of the company ;
 - (c) income from other investments distinguishing between income received from any shares and debentures which are dealt in on any prescribed Stock Exchange in the Commonwealth and income received from other sources ;
 - (d) amounts (if any) charged for depreciation or amortization on—
 - (i) investments ;
 - (ii) goodwill ;
 - (iii) fixed assets ;
 - (e) the amount of interest on the company's debentures and fixed term loans ;
 - (f) any profit or loss arising from a sale or revaluation of fixed or intangible assets if brought into account in determining the company's profit or loss ;
 - (g) the amounts, if material, set aside or proposed to be set aside to, or withdrawn from, reserves ;
 - (h) the amount, if material, set aside to provisions other than provisions for depreciation, renewals or diminution in value of assets or, as the case may be, the amount, if material, withdrawn from such provisions and not applied for the purposes thereof ;
 - (i) the amounts respectively provided for redemption of share capital and for redemption of loans ;
 - (j) provision made for payment of income tax in respect of the period of accounting ;
 - (k) the aggregate amount of the dividends paid and the aggregate amount of the dividends proposed to be paid ;
 - (l) the total of the amount paid to the directors as remuneration for their services, inclusive of all fees, percentages, bonuses and commissions or other emoluments paid to or receivable by them by or from the company or by or from any subsidiary of the company, and inclusive of commission paid or payable for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in or debentures of the company or of its holding company or any subsidiary of the company but the salaries and bonuses and commissions paid by way of salary of directors who are engaged in the full time employment of the company or any subsidiary of the company need not be included in this amount ; and
 - (m) the total of the amount paid to or receivable by the auditors as remuneration for their services as auditors, inclusive of all fees, percentages or other payments or consideration given, by or from the company or by or from any subsidiary of the company.

Sections, 162,
341.

U.K. Eighth
Schedule.
Vic. 9th
Schedule.
S.A. ss.
143-145, 147

NINTH SCHEDULE—*continued.**Balance-sheet.*

2. (1) There shall be shown as at the end of the period of accounting—
- (a) the amount of authorized capital and particulars of issued capital distinguishing between classes of shares and specifying by way of note to the balance-sheet any portion of the share capital which has not already been called up and which is not capable of being called up except in the event and for the purposes of the company being wound up and stating the rates of dividend, and whether participating or cumulative or both, attaching to shares other than ordinary shares, and stating amount of calls in arrear in each class ;
 - (b) the part of the issued capital that consists of redeemable preference shares, the date on or before which those shares are, or are liable, to be redeemed and the earliest date on which the company has power to redeem those shares and the amount of the premium (if any) at which those shares are redeemable ;
 - (c) so far as the information is not given in the profit and loss account, any share capital on which interest has been paid out of capital during the financial year, and the rate at which interest has been so paid ;
 - (d) the amount of the share premium account ;
 - (e) particulars of any redeemed debentures which the company has power to re-issue ;
 - (f) under separate headings, so far as they are not written off—
 - (i) the preliminary expenses ;
 - (ii) any expenses incurred in connection with any issue of shares or debentures ;
 - (iii) any sums paid by way of commission in respect of any shares or debentures ;
 - (iv) any sums allowed by way of discount in respect of any debentures ;
 - (v) the amount of the discount allowed on any issue of shares at a discount ; and
 - (vi) if the amount of the goodwill and of any patents and trade marks or part of that amount is shown as a separate item in or is otherwise ascertainable from the books of the company, or from any contract for the sale or purchase of any property to be acquired by the company, or from any documents in the possession of the company relating to the stamp duty payable in respect of any such contract or the conveyance of any such property—the said amount so shown or ascertained ;
 - (g) the reserves, provisions, liabilities, fixed assets and current assets classified separately under headings appropriate to the company's business showing separately the provision for taxation and stating the method used to arrive at the amount of assets under each heading but—
 - (i) where the amount of any class is not material, it may be included under the same heading as some other class ; and
 - (ii) where any assets of one class are not separable from assets of another class, those assets may be included under the same heading ;
 - (h) under separate headings, stating the method used to arrive at the amount of the investments under each heading—
 - (i) investments in Government, municipal and other public debentures, stock or bonds ;
 - (ii) investments in subsidiaries of the company ;
 - (iii) investments in companies (not being subsidiaries of the company), the shares in or debentures of which are dealt in on any prescribed stock exchange in the Commonwealth or elsewhere ; and
 - (iv) investments in any other companies ;
 - (i) under separate headings—
 - (i) amounts owing by subsidiaries of the company ;
 - (ii) trade debts and bills receivable (other than amounts owing by subsidiaries of the company) ;
 - (iii) the amount outstanding of any loan made, guaranteed or secured by the company, being a loan made to a director of the company or of a company which is deemed by virtue of subsection (5) of section 6 to be related to the company, or a loan made to another company in which a director of the company or of a company which is so deemed to be related to the company owns a controlling interest but not being any loan to which section 125 does not apply by reason of the operation of paragraph (f) of subsection (1) of that section ;

NINTH SCHEDULE—*continued.*

(iv) other debts owing to the company, and where any amounts or debts shown under any of such headings include any sums which consist, or are in the nature, of interest, accommodation charges, service charges, maintenance charges or insurance premiums, those sums shall, except to the extent that they have become due and payable and have been demanded, be shown as a deduction from the amounts or debts shown under that heading ;

- (j) balance of profit and loss account;
- (k) debentures (showing separately amounts that are redeemable not later than twelve months after the date to which the accounts are made up and amounts that are redeemable later than twelve months after that date) ;
- (l) liabilities (other than debentures, bank loans and overdrafts) secured by any charge on the assets whether registered or not (showing separately the aggregate of the amounts that are payable not later than twelve months after the date to which the accounts are made up and the aggregate of the amounts that are payable later than twelve months after that date) ;
- (m) bank loans and overdrafts ;
- (n) amounts borrowed without security (showing separately the aggregate of the amounts that are repayable not later than twelve months after the date to which the accounts are made up and the aggregate of the amounts that are repayable later than twelve months after that date) ;
- (o) amounts owing to subsidiaries of the company ;
- (p) amounts owing to trade creditors (other than amounts owing to subsidiaries of the company) ;
- (q) other amounts owing by the company ;
- (r) under separate headings (to be stated by way of note if not otherwise shown)—
 - (i) contingent liabilities unsecured ;
 - (ii) contingent liabilities secured upon the company's assets ; and
 - (iii) where practicable, the aggregate amount, if it is material, of contracts for capital expenditure, so far as that amount has not been provided for ; and
- (s) arrears of dividends on preference shares.

(2) For the purposes of this clause, where more than one method is used to arrive at any amount shown in the balance-sheet, there shall be shown in the balance-sheet a separate total in respect of each of the methods so used.

(3) In the case of a no-liability company, the balance-sheet shall show, in addition to the matters required by the foregoing provisions of this clause to be shown—

- (a) the total number of shares forfeited ; and
- (b) the number of shares forfeited in respect of each call and amount of each of those calls.

3. (1) The method of arriving at the amount of any investment or fixed asset shall, subject to sub-clause (2) of this clause, be to take the difference between—

- (a) its cost, or if it stands in the company's books at a valuation other than cost, the amount of the valuation ; and
- (b) the aggregate amount provided or written off since the date of acquisition or valuation as the case may be, for depreciation or diminution in value.

(2) For the purposes of this clause the net amount at which any assets stand in the company's books at the commencement of this Act (after deduction of the amounts previously provided or written off for depreciation or diminution in value) shall, if the figures relating to the period before the commencement of this Act cannot be obtained without unreasonable expense or delay, be treated as if it were the amount of the valuation of those assets made at the commencement of this Act, and where any of those assets are sold, the said net amount less the amount of the sales shall be treated as if it were the amount of a valuation so made of the remaining assets.

(3) Sub-clause (1) of this clause shall not apply—

- (a) to assets for which the figures relating to the period beginning with the commencement of this Act cannot be obtained without unreasonable expense or delay ; or
- (b) to assets the replacement of which is provided for wholly or partly—
 - (i) by making provision for renewals and charging the cost of replacement against the provision so made ; or
 - (ii) by charging the cost of replacement direct to revenue ; or

NINTH SCHEDULE—*continued.*

- (c) to any investments of which the market value (or, in the case of investments not having a market value, their value as estimated by the directors) is shown either as the amount of the investments or by way of note ; or
 - (d) to goodwill, patents or trade marks.
- (4) For the assets under each heading whose amount is arrived at in accordance with sub-clause (1) of this clause, there shall be shown—
- (a) the aggregate of the amounts referred to in paragraph (a) of that sub-clause ; and
 - (b) the aggregate of the amounts referred to in paragraph (b) thereof.
- (5) As respects the assets under each heading whose amount is not arrived at in accordance with sub-clause (1) of this clause because their replacement is provided for as mentioned in paragraph (b) of sub-clause (3) of this clause there shall be stated—
- (a) the means by which their replacement is provided for ; and
 - (b) the aggregate amount of the provisions (if any) made for renewals and not used.

Holding and Subsidiary Companies.

4. (1) There shall be annexed to the profit and loss account of every holding company—
- (a) a separate profit and loss account for each subsidiary of the company ; or
 - (b) a consolidated profit and loss account of the holding company and of its subsidiaries eliminating all inter-company transactions.
- (2) There shall be clearly stated (by way of note or otherwise) either in the profit and loss account of the holding company or in any document annexed thereto pursuant to sub-clause (1) of this clause the name and place of incorporation of each subsidiary to which that profit and loss account or other document relates.
- (3) There shall be annexed to the balance-sheet of every holding company—
- (a) a balance-sheet of each subsidiary of the company ; or
 - (b) a consolidated balance-sheet of the holding company and of its subsidiaries eliminating all inter-company balances.
- (4) Such profit and loss accounts and balance-sheets shall be in the same form as the profit and loss account and balance-sheet of the holding company and shall be accompanied by the auditor's report thereon.
- (5) In the case of a subsidiary company incorporated outside the State whether it has or has not established a place of business in the State, it shall be sufficient if the separate profit and loss account or balance-sheet (as the case requires) of such subsidiary company is in such form and is so reported upon by auditors and contains such particulars and includes such documents (if any) as the company is required to make out and lay before the company in general meeting by the law for the time being applicable to such company in the place where it is incorporated.
- (6) If the auditor's report on the balance-sheet or profit and loss account of a subsidiary company is qualified in any way, the separate balance-sheet of the subsidiary company or the consolidated balance-sheet of the holding company (as the case may be) shall contain particulars of the manner in which the report is qualified.
- (7) This clause shall not apply to a subsidiary which would not be a subsidiary but for the operation of subparagraph (i) or (ii) of paragraph (a) of subsection (1) of section 6.

General.

5. (1) All amounts shown in profit and loss accounts and balance-sheets shall be quoted in Australian currency, and not otherwise.
- (2) Except in the case of the first balance-sheet or profit and loss account laid before the company after the commencement of this Act, there shall be shown in every balance-sheet and profit and loss account the corresponding amounts at the end of the immediately preceding financial year for all items shown in the balance-sheet or profit and loss account.
- (3) Every profit and loss account or balance-sheet shall state by way of note—
- (a) if any conversion into Australian currency has been made for the purposes of the profit and loss account and balance-sheet, the basis of the conversion of the other currency into Australian currency ; and
 - (b) the aggregate quoted market value of any investment of a kind referred to in paragraph (h) of sub-clause (1) of clause 2 of this Schedule.

TENTH SCHEDULE.

Section 184.

PART A.

Requirements with which Take-over Offers to Comply.

1. The offer shall be dated and shall be dispatched to the offeree within three days of its date and shall state that, except in so far as it and all other take-over offers made under the take-over scheme may be totally withdrawn and every person released from any obligation incurred thereunder, it will remain open for acceptance by the offeree for at least one month from that date.
2. The offer shall not be conditional upon the offeree approving or consenting to any payment or other benefit being made or given to any director of the offeree corporation or any corporation which is deemed by virtue of subsection (5) of section 6 to be related to that corporation as compensation for loss of office or as consideration for, or in connection with, his retirement from office.
3. The offer shall state—
 - (a) whether or not the offer is conditional upon acceptances of offers made under the take-over scheme being received in respect of a minimum number of shares and, if so, that number;
 - (b) if the shares are to be acquired in whole or in part for cash, the period within which payment will be made and the method of payment; and
 - (c) if the shares are to be acquired for a consideration other than cash, the period within which the offeree will receive that consideration.
4. Where the offer is conditional upon acceptances in respect of a minimum number of shares being received, the offer shall specify—
 - (a) a date as the latest date on which the offeror corporation can declare the offer to have become free from that condition; and
 - (b) a further period of not less than seven days during which the offer will remain open for acceptance.

PART B.

Requirements with which Statement Given by Offeror Corporation to Comply.

1. The statement shall—
 - (a) specify the names, descriptions and addresses of all the directors of the offeror corporation and the number, description and amount of marketable securities in the offeror corporation held by or on behalf of each such director or, in the case of a director where none are so held, contain a statement to that effect;
 - (b) contain a summary of the principal activities of the offeror corporation;
 - (c) specify the number and description and amount of marketable securities in the offeree corporation held by or on behalf of the offeror corporation and each of the directors thereof, or, if none are so held, contain a statement to that effect;
 - (d) if the shares are to be acquired for a consideration other than wholly in cash—
 - (i) set out the reports which, if the statement were a prospectus issued on the date on which notice of the take-over scheme is given to the offeree corporation, would be required to be set out in it under paragraphs 20 and 23 in Part II of the Fifth Schedule; and
 - (ii) specify details of any alterations in the capital structure of the offeror corporation or of any subsidiary of that corporation during the period of five years immediately preceding the date on which notice of the take-over scheme is given to the offeree corporation and particulars of the source of any increase in capital; and
 - (iii) set out whether or not there has been any material change in the financial position of the offeror corporation since the date of the last balance sheet laid before the corporation in general meeting and, if so, particulars of such change.
2. The statement shall contain particulars of any restriction on the right to transfer the shares to which the take-over scheme relates contained in the memorandum or articles or other instrument constituting or defining the constitution of the offeree corporation which has the effect of requiring the holders of the shares, before transferring them, to offer them for purchase to members of the offeree corporation or to any other person and, if there is any such restriction, the arrangements, if any, being made to enable the shares to be transferred in pursuance of the take-over scheme.

TENTH SCHEDULE—*continued.*

3. If the consideration for the acquisition of shares under the take-over scheme is to be satisfied in whole or in part by the payment of cash, the statement shall contain details of the arrangements that have been or will be made to secure payment of the cash consideration and, if no such arrangements have been or will be made, shall contain a statement to that effect.

4. The statement shall set out—

- (a) whether or not it is proposed in connection with the take-over scheme that any payment or other benefit shall be made or given to any director of the offeree corporation or of any corporation which by virtue of subsection (5) of section 6 is deemed to be related to that corporation as compensation for loss of office or as consideration for, or in connection with, his retirement from office and if so, particulars of the proposed payment or benefit in respect of each such director;
- (b) whether or not there is any other agreement or arrangement made between the offeror corporation and any of the directors of the offeree corporation in connection with or conditional upon the outcome of the scheme, and, if so, particulars of any such agreement or arrangement;
- (c) whether or not there has been within the knowledge of the offeror corporation any material change in the financial position of the offeree corporation since the date of the last balance-sheet laid before the corporation in general meeting and, if so, particulars of any such change; and
- (d) whether or not there is any agreement or arrangement whereby any shares acquired by the offeror corporation in pursuance of the scheme will or may be transferred to any other person, and, if so—
 - (i) the names of the persons who are a party to the agreement or arrangement and the number, description and amount of the shares which will or may be so transferred; and
 - (ii) the number, if any, and description and amount of shares of the offeree corporation held by or on behalf of each of those persons, or if no such shares are so held, a statement to that effect.

5. The succeeding provisions of this Part of this Schedule apply only where the consideration to be offered in exchange for shares of the offeree corporation consists in whole or in part of marketable securities issued or to be issued by the offeror corporation or by any other corporation.

6. Where the marketable securities are listed on or dealt in on a Stock Exchange, the statement shall state this fact and specify the Stock Exchanges concerned and specify—

- (a) the latest available market sale price prior to the date on which notice of the take-over scheme is given to the offeree corporation;
- (b) the highest and lowest market sale price during the three months immediately preceding that date and the respective dates of the relevant sales; and
- (c) where the take-over scheme has been the subject of a public announcement in newspapers or by any other means prior to notice of the scheme being given to the offeree corporation, the latest market sale price immediately prior to the public announcement.

7. Where the securities are listed on or dealt in on more than one Stock Exchange, it is sufficient compliance with paragraph (a) of clause 6 if information with respect to the securities is given in relation to the Stock Exchange at which there have been the greatest number of recorded dealings in the securities in the three months immediately preceding the date on which notice of the take-over scheme is given to the offeree corporation.

8. Where the take-over scheme relates to securities which are not listed on or dealt in on a Stock Exchange, the statement shall contain all the information which the offeror corporation may have as to the number, amount and price at which the securities have been sold in the three months immediately preceding the date on which notice of the scheme is given to the offeree corporation and, if the offeror corporation has no such information, a statement to that effect.

PART C.

Requirements with which Statement Given by Offeree Corporation to Comply.

1. The statement shall indicate—

- (a) whether or not the board of directors of the offeree corporation recommends to share-holders the acceptance of take-over offers made, or to be made, by the offeror corporation under the take-over scheme; or

TENTH SCHEDULE—*continued.*

- (b) that the board of directors of the offeree corporation does not desire to make a recommendation or consider themselves not justified in making a recommendation.

2. The statement shall set out—

- (a) the number, description and amount of marketable securities in the offeree corporation held by or on behalf of each director of that corporation or, in the case of a director where none are so held, that fact ;
- (b) in respect of each such director of the offeree corporation by whom, or on whose behalf, shares to which the take-over scheme relates are held—
- (i) whether or not the present intention of the director is to accept any take-over offer that may be made in pursuance of the take-over scheme in respect of those shares ; or
 - (ii) that the director has not decided whether he will accept such a take-over offer.
- (c) whether or not any marketable securities of the offeror corporation are held by, or on behalf of, any director of the offeree corporation and, if so, the number, description and amount of the marketable securities so held ;
- (d) whether or not it is proposed in connection with the take-over scheme that any payment or other benefit shall be made or given to any director of the offeree corporation or of any other corporation which by virtue of subsection (5) of section 6 is deemed to be related to that corporation as compensation for loss of office or as consideration for, or in connection with, his retirement from office and, if so, particulars of the proposed payment or benefit ;
- (e) whether or not there is any other agreement or arrangement made between any director of the offeree corporation and any other person in connection with or conditional upon the outcome of the take-over scheme and, if so, particulars of any such agreement or arrangement ;
- (f) whether or not any director of the offeree corporation has any interest in any contract entered into by the offeror corporation and, if so, particulars of the nature and extent of such interest ;
- (g) if the shares to which the scheme relates are not listed on or dealt in on a Stock Exchange all the information which the offeree corporation may have as to the number, amount and price at which any such shares have been sold in the six months preceding the date on which notice of the take-over scheme was given to the offeree corporation ; and
- (h) whether or not there has been any material change in the financial position of the offeree corporation since the date of the last balance-sheet laid before the corporation in general meeting and, if so, particulars of such change.



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 57 of 1962.

An Act to amend the Marine Act, 1936-1957.

{ *Reserved 15th November, 1962.* }
 { *Royal Assent proclaimed 28th February, 1963.* }

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Marine Act Amendment Act, 1962".

(2) The Marine Act, 1936-1957, as amended by this Act, may be cited as the "Marine Act, 1936-1962".

(3) The Marine Act, 1936-1957, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 14.

3. Section 14 of the principal Act is amended by inserting the following paragraphs therein after paragraph VIII thereof :—

VIIIA. For prescribing scales setting forth the numbers, descriptions and classes of masters, mates, engineers and other officers with which any class, classes, kind or kinds of coast-trade ships or river ships shall be provided and providing for the granting of exemptions from any such regulations.

VIIIB. For providing for matters affecting the stability of ships.

4. Subsection (1) of section 19 of the principal Act is amended by striking out all the words after the words "South Australia" last occurring therein and inserting in lieu thereof the words "according to the scale or scales prescribed".

Amendment of principal Act, s. 19.

5. Subsection (1) of section 20 of the principal Act is amended by striking out all the words after the words "South Australia" last occurring therein and inserting in lieu thereof the words "according to the scale or scales prescribed".

Amendment of principal Act, s. 20.

6. Section 26 of the principal Act is repealed and the following section is inserted in lieu thereof:—

Amendment of principal Act, s. 26—

26. (1) Where—

(a) the holder of a certificate of competency has been convicted of an offence in a Commonwealth country; or

(b) the board, having regard to the findings of a court of the Commonwealth or a State, or of a court of marine inquiry or other tribunal established under the law of the Commonwealth or a State, is satisfied that the holder of a certificate of competency is incompetent, has been guilty of misconduct, or has failed in his duty in regard to any collision or in any matter relating to the navigation, management or working of a ship,

Cancellation or suspension of certificates of competency by board.

the board may, in the case of a certificate other than a certificate granted by the Board of Trade or other competent authority recognized as such by the Governor, cancel or suspend the certificate or, in the case of a certificate granted by the Board of Trade or other competent authority recognized as such by the Governor, suspend the certificate in so far as concerns its validity in Australia.

(2) Where the board cancels or suspends a certificate under this section, the board may, by notice in writing served upon the holder of the certificate, require the holder of the certificate to deliver the certificate to the board or to such other person as is specified in the notice within such period as is so specified.

(3) A person upon whom a notice is served under the last preceding subsection shall, unless it is impracticable for him so to do, comply with the notice.

Penalty: One hundred pounds.

(4) The suspension of a certificate under this section may be revoked by the board at any time.

(5) Where a certificate has been cancelled under this section the board may, at any time, if it thinks the justice of the case so requires—

- (a) re-issue the certificate ; or
- (b) grant a certificate of a lower grade in place of the cancelled certificate.

(6) If, under this section, the board suspends, or revokes the suspension of, a certificate granted under the law of a Commonwealth country other than Australia, the board shall cause the Government of that country to be informed of the suspension and the reasons for suspension or the revocation of the suspension as the case requires.

(7) In this section—

“certificate of competency” means a certificate of competency issued by the board under this Act or any Act repealed by this Act or an equivalent certificate or certificate of a higher grade granted by the Board of Trade or granted by any competent authority recognized as such by the Governor :

“Commonwealth country” means—

- (a) Australia, the United Kingdom, Canada, New Zealand, India, Pakistan, Ceylon, Ghana and Malaya ; and
- (b) any other country declared by the regulations to be a Commonwealth country,

and includes—

- (c) a colony, overseas territory or protectorate of a country specified in paragraph (a) of this definition or of a country declared to be a Commonwealth country under paragraph (b) of this definition ; and
- (d) a territory for the international relations of which a country so specified or declared is responsible.

Amendment of
principal Act,
s. 59.

7. Subsection (1) of section 59 of the principal Act is amended by striking out the words “to all coast-trade ships and river ships” therein.

Enactment of
principal Act,
s. 85a—

8. The following section is inserted in the principal Act after section 85 thereof :—

Stability
information
to be supplied.

85a. (1) The master or owner of every coast-trade ship the keel of which is laid after the commencement of The Marine Act Amendment Act, 1962, shall not take or

attempt to take that ship to sea or permit that ship to be taken to sea unless there is on board that ship such written or diagrammatic information as to the stability of that ship as is necessary for the guidance of the master in loading and ballasting that ship, being information complying with subsection (2) of this section.

Penalty : One hundred Pounds.

(2) The information specified in subsection (1) of this section shall be in such form as is approved by the board and shall be based on a determination of the stability of the ship made by means of an inclining test of the ship or with the approval of the board of a sister ship carried out by the builders of the ship or of the sister ship as the case may be.

(3) The owner shall send a copy of the said information to the board.

(4) Unless the board otherwise directs, this section shall not apply to any pleasure yacht or fishing vessel or to any coast-trade ship of less than one hundred gross tons.

9. Section 107 of the principal Act is amended—

Amendment of
principal Act,
s. 107.

(a) by striking out the words “and assessors” in subsection (1) thereof and inserting in lieu thereof the words “The court shall be assisted by two assessors who shall advise the court but shall not adjudicate on any matter before the court.”;

(b) by inserting at the end of subsection (2) thereof the words “possessing the qualifications prescribed”.

10. Subsection (5) of section 109 of the principal Act is amended by striking out the words “as a member thereof” and inserting in lieu thereof the words “to assist the court”.

Amendment of
principal Act,
s. 109.

11. Section 111 of the principal Act is amended by striking out the words “and two assessors” therein and by inserting after the words “the assessors” therein the words “assisting the court”.

Amendment of
principal Act,
s. 111.

12. Section 114 of the principal Act is amended by striking out subsection (2) thereof.

Amendment of
principal Act,
s. 114.

13. Section 125 of the principal Act is amended by striking out the words “as a member of” twice occurring therein and inserting in lieu thereof the words “in assisting” in each case.

Amendment of
principal Act,
s. 125.

Amendment
of principal
Act, s. 127.

14. Section 127 of the principal Act is amended—

- (a) by inserting “7A” after the expression “Divisions 4, 6,” in subsection (1) thereof;
- (b) by inserting the following paragraph after paragraph (c) in subsection (2) thereof :—
 - (ca) the provisions of section 45B of the Navigation Act shall be read as if the words “Industrial Court” were inserted therein in lieu of the words “Commonwealth Conciliation and Arbitration Commission” and in lieu of the word “Commission” wherever occurring therein.

Amendment of
principal Act,
second
schedule.

15. The Second Schedule of the principal Act is amended by striking out the whole of the First Part thereof and inserting in lieu thereof the following :

FIRST PART.

RULES FOR PREVENTING COLLISIONS AT SEA.

PART A.—PRELIMINARY AND DEFINITIONS.

RULE 1.

(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or impair their visibility or distinctive character, or interfere with the keeping of a proper look-out.

(c) In the following Rules, except where the context otherwise requires :—

- (i) the word “vessel” includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
- (ii) the word “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;
- (iii) the term “power-driven vessel” means any vessel propelled by machinery;
- (iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;
- (v) a vessel or seaplane on the water is “under way” when she is not at anchor, or made fast to the shore, or aground;
- (vi) the term “height above the hull” means height above the uppermost continuous deck;
- (vii) the length and breadth of a vessel shall be deemed to be the length and breadth appearing in her certificate of registry;
- (viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;
- (ix) the word “visible”, when applied to lights, means visible on a dark night with a clear atmosphere;
- (x) the term “short blast” means a blast of about one second’s duration;
- (xi) the term “prolonged blast” means a blast of from four to six seconds’ duration;
- (xii) the word “whistle” means whistle or siren;
- (xiii) the word “tons” means gross tons.

PART B.—LIGHTS AND SHAPES.

RULE 2.

- (a) A power driven vessel when under way shall carry—
- (i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass (22½ degrees), so fixed as to show the light 10 points (112½ degrees) on each side of the vessel, that is from right ahead to 2 points (22½ degrees) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
 - (ii) Either forward of or abaft the white light mentioned in subsection (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length, and vessels engaged in towing, shall not be required to carry this second white light but may do so.
 - (iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the lower light shall be forward of the upper one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.
 - (iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112½ degrees), so fixed as to show the light from right ahead to 2 points (22½ degrees) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
 - (v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112½ degrees), so fixed as to show the light from right ahead to 2 points (22½ degrees) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
 - (vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.
- (b) A seaplane under way on the water shall carry—
- (i) In the forepart amidships where it can best be seen a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.
 - (ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
 - (iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

RULE 3.

(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel or seaplane towed, exceeds 600 feet. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light mentioned in Rule 2 (a) (i), except the additional light, which shall be carried at a height of not less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

(b) The towing vessel shall also show either the stern light specified in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam. The carriage of the white light specified in Rule 2 (a) (ii) is optional.

(c) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2 (b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light mentioned in Rule 2 (b) (i), and in vertical line at least 6 feet above or below such light.

RULE 4.

(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights required by Rule 2 (a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry, where they can best be seen, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights specified in Rule 2 (a) (i) and (ii), three lights in a vertical line one over the other not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(d) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall not carry the coloured side lights, but when making way they shall carry them.

(e) The lights and shapes required to be shown by this rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(f) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

RULE 5.

(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed by Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights specified therein, which they shall never carry. They shall also carry stern lights as specified in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as specified in Rule 3 (b).

(b) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights described in Rule 2 (a) (iv) and (v) and shall be screened as provided in Rule 2 (a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

RULE 6.

(a) In small vessels, when it is not possible on account of bad weather or other sufficient cause to fix the green and red side lights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points (22½ degrees) abaft the beam on their respective sides.

(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

RULE 7.

Power-driven vessels of less than 40 tons, vessels under oars or sails of less than 20 tons, and rowing boats, when under way shall not be required to carry the lights mentioned in Rule 2, but if they do not carry them they shall be provided with the following lights:—

- (a) Power-driven vessels of less than 40 tons, except as provided in section (b), shall carry—
 - (i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwhale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Rule 2 (a) (i) and of such a character as to be visible at a distance of at least 3 miles.
 - (ii) Green and red sidelights constructed and fixed as prescribed in Rule 2 (a) (iv) and (v), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and red light from right ahead to 2 points (22½ degrees) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.
- (b) Small power-driven boats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwhale, but it shall be carried above the sidelights or the combined lantern mentioned in subsection (a) (ii).
- (c) Vessels of less than 20 tons, under oars or sails, except as provided in section (d), shall, if they do not carry the sidelights, carry where it can best be seen a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least one mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.
- (d) Small rowing boats, whether under oars or sail shall only be required to have ready at hand an electric torch or a lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.
- (e) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4 (a) and 11 (e).

RULE 8.

(a) (i) Sailing pilot-vessels, when engaged on their station on pilotage duty and not at anchor, shall not show the lights prescribed for other vessels, but shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 10 minutes.

(ii) On the near approach of or to other vessels they shall have their sidelights lighted ready for use and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

(iii) A sailing pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead and may, instead of the sidelights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other to be used as prescribed above.

(b) A power-driven pilot vessel when engaged on her station on pilotage duty and not at anchor shall, in addition to the lights and flares required for sailing pilot-vessels, carry at a distance of 8 feet below her white masthead light a red light visible all round the horizon at a distance of at least 3 miles, and also the sidelights required to be carried by vessels when under way. A bright intermittent all round white light may be used in place of a flare.

(c) All pilot-vessels, when engaged on their stations on pilotage duty and at anchor, shall carry the lights and show the flares prescribed in sections (a) and (b), except that the side lights shall not be shown. They shall also carry the anchor light or lights prescribed in Rule 11.

(d) All pilot-vessels, whether at anchor or not at anchor, shall, when not engaged on their stations on pilotage duty carry the same lights as other vessels of their class and tonnage.

RULE 9.

(a) Fishing vessels when not fishing shall show the lights or shapes prescribed for similar vessels of their tonnage. When fishing they shall show only the lights or shapes prescribed by this Rule, which lights or shapes, except as otherwise provided, shall be visible at a distance of at least 2 miles.

(b) Vessels fishing with trolling (towing) lines, shall show only the lights prescribed for a power-driven or sailing vessel under way as may be appropriate.

(c) Vessels fishing with nets or lines, except trolling (towing) lines, extending from the vessel not more than 500 feet horizontally into the seaway shall show, where it can best be seen, one all round white light and in addition, on approaching or being approached by another vessel, shall show a second white light at least 6 feet below the first light and at a horizontal distance of at least 10 feet away from it (6 feet in small open boats) in the direction in which the outlying gear is attached. By day such vessels shall indicate their occupation by displaying a basket where it can best be seen; and if they have their gear out while at anchor, they shall, on the approach of other vessels, show the same signal in the direction from the anchor ball towards the net or gear.

(d) Vessels fishing with nets or lines, except trolling (towing) lines extending from the vessel more than 500 feet horizontally into the seaway shall show, where they can best be seen, three white lights at least 3 feet apart in a vertical triangle visible all round the horizon. When making way through the water, such vessels shall show the proper coloured sidelights but when not making way they shall not show them. By day they shall show a basket in the forepart of the vessel as near the stern as possible not less than 10 feet above the rail; and, in addition, where it can best be seen, one black conical shape, apex upwards. If they have their gear out while at anchor they shall, on the approach of other vessels, show the basket in the direction from the anchor ball towards the net or gear.

(e) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus along or near the bottom of the sea, and not at anchor—

(i) If power-driven vessels, shall carry in the same position as the white light mentioned in Rule 2 (a) (i) a tri-coloured lantern, so constructed and fixed as to show a white light from right ahead to 2 points ($22\frac{1}{2}$ degrees) on each bow, and a green light and a red light over an arc of the horizon from 2 points ($22\frac{1}{2}$ degrees) on each bow to 2 points ($22\frac{1}{2}$ degrees) abaft the beam on the starboard and port sides, respectively; and not less than 6 nor more than 12 feet below the tri-coloured lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all round the horizon. They shall also show the stern light specified in Rule 10 (a).

(ii) If sailing vessels, shall carry a white light in a lantern so constructed as to show a clear, uniform, and unbroken light all round the horizon, and shall also, on the approach of or to other vessels show, where it can best be seen, a white flare-up light in sufficient time to prevent collision.

(iii) By day, each of the foregoing vessels shall show, where it can best be seen, a basket.

(f) In addition to the lights which they are by this Rule required to show vessels fishing may, if necessary in order to attract attention of approaching vessels, show a flare-up light. They may also use working lights.

(g) Every vessel fishing, when at anchor, shall show the lights or shape specified in Rule 11 (a) (b) or (c); and shall, on the approach of another vessel or vessels, show an additional white light at least 6 feet below the forward anchor light and at a horizontal distance of at least 10 feet away from it in the direction of the outlying gear.

(h) If a vessel when fishing becomes fast by her gear to a rock or other obstruction she shall in daytime haul down the basket required by sections (c), (d) or (e) and show the signal specified in Rule 11 (c). By night she shall show the light or lights specified in Rule 11 (a) or (b). In fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, whether by day or by night, she shall sound the signal prescribed by Rule 15 (c) (v), which signal shall also be used, on the near approach of another vessel, in good visibility.

NOTE.—For fog signals for fishing vessels, see Rule 15 (c) (ix).

Rule 10.

(a) A vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass (135 degrees), so fixed as to show the light 6 points ($67\frac{1}{2}$ degrees) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such lights shall be carried as nearly as practicable on the same level as the sidelights.

NOTE. For vessels engaged in towing or being towed, see Rules 3 (b) and 5.

(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character to be visible at a distance of at least 2 miles.

RULE 11.

(a) A vessel under 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least 2 miles.

(b) A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forepart of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible all round the horizon at a distance of at least 3 miles.

(c) Between sunrise and sunset every vessel when at anchor, shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4 (c) in addition to those prescribed in the appropriate preceding sections of this Rule.

(e) A vessel aground shall carry by night the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4 (a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable all round the horizon at a distance of 1 mile.

(h) A seaplane aground shall carry an anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

RULE 12.

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorized elsewhere under these Rules.

RULE 13.

(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, or for seaplanes on the water; or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective Governments and duly registered and published.

(b) Whenever the Government concerned shall have determined that a naval or other military vessel or water-borne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

RULE 14.

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point upwards, not less than 2 feet in diameter at its base.

RULE 15.

(a) A power-driven vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 20 tons or upwards shall be provided with a similar fog-horn and bell.

(b) All signals prescribed by this Rule for vessels under way shall be given—

- (i) by power-driven vessels on the whistle ;
- (ii) by sailing vessels on the fog-horn ;
- (iii) by vessels towed on the whistle or fog-horn.

(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows :—

- (i) A power driven vessel making way through the water, shall sound at intervals of not more than 2 minutes a prolonged blast.
- (ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.
- (iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals, of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.
- (v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than one minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.
- (vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.
- (vii) A vessel aground shall give the signal prescribed in subsection (iv) and shall, in addition, give three separate and distinct strokes on the bell immediately before and after each such signal.
- (viii) A vessel of less than 20 tons, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals, but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.
- (ix) A vessel when fishing, if of 20 tons or upwards, shall at intervals of not more than 1 minute, sound a blast, such blast to be followed by ringing the bell ; or she may sound, in lieu of these signals, a blast consisting of a series of several alternate notes of higher and lower pitch.

RULE 16.

Speed to be moderate in Fog, Etc.

(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signals of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

PART C.—STEERING AND SAILING RULES.

PRELIMINARY.

1. *In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.*

2. *Risk of collision can, when circumstances permit be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.*

3. *Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.*

RULE 17.

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows:—

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

RULE 18.

(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

(b) For the purpose of this Rule and Rules 19 to 29 inclusive, except Rule 20 (b), a seaplane on the water shall be deemed to be a vessel, and the expression "power-driven vessel" shall be construed accordingly.

RULE 19.

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

RULE 20.

(a) When a power-driven vessel and sailing vessel are proceeding in such directions as to involve risk of collision, except as provided in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

(b) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

RULE 21.

Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

RULE 22.

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

RULE 23.

Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

RULE 24.

(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaking vessel.

(b) Every vessel coming up with another vessel from any direction more than 2 points ($22\frac{1}{2}$ degrees) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

RULE 25.

(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

(b) Whenever a power-driven vessel is nearing a bend in a channel where a power-driven vessel approaching from the other direction cannot be seen, such vessel, when she shall have arrived within one-half mile of the bend, shall give a signal by one prolonged blast on her whistle, which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

RULE 26.

All vessels not engaged in fishing shall, when under way, keep out of the way of any vessels fishing with nets or lines or trawls. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

RULE 27.

In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

PART D.—MISCELLANEOUS.

RULE 28.

(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle, namely:—

One short blast to mean "I am altering my course to starboard".

Two short blasts to mean "I am altering my course to port".

Three short blasts to mean "My engines are going astern".

(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

(c) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

RULE 29.

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RULE 30.

Reservation of Rules for Harbours and Inland Navigation.

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

RULE 31.

Distress Signals.

When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely :—

- (a) A gun or other explosive signal fired at intervals of about a minute.
- (b) A continuous sounding with any fog-signal apparatus.
- (c) Rockets or shells, throwing red stars fired one at a time at short intervals.
- (d) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — . . . in the Morse Code.
- (e) A signal sent by radiotelephony consisting of the spoken word "Mayday".
- (f) The International Code Signal of distress indicated by N.C.
- (g) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (h) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- (i) A rocket parachute flare showing a red light.

The use of any of the above signals, except for the purpose of indicating that a vessel or a seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

Note.—A radio signal has been provided for use by vessels in distress for the purpose of actuating the auto-alarms of other vessels and thus securing attention to distress calls or messages. The signal consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between two consecutive dashes 1 second.

RULE 32.

All orders to helmsmen shall be given in the following sense, right rudder or starboard to mean "put the vessel's rudder to starboard"; left rudder or port to mean "put the vessel's rudder to port".

Reserved for the signification of Her Majesty the Queen's pleasure thereon.

EDRIC BASTYAN, Governor.

TABLES OF ACTS OF THE PARLIAMENT OF
SOUTH AUSTRALIA

TABLE OF PUBLIC GENERAL ACTS OF THE
PARLIAMENT OF SOUTH AUSTRALIA,
INCLUDING CROSS REFERENCES.

The following table contains a list of the public Acts of general application of the Parliament of South Australia passed up to the end of 1962 and which were unrepealed as at that time.

In the case of an Act reprinted in Volumes 1 to 8 of the South Australian Statutes, 1837-1936, a reference is given in the table to the volume and page where the Act is printed. In the case of any other Act a reference is given to the annual volume of Statutes in which the Act is printed.

Since the publication of the South Australian Statutes, 1837-1936, some Acts have been reprinted pursuant to the Amendments Incorporation Act, 1937. The table contains a reference to all such reprinted Acts; in some instances, the reprinted Act has been included in the annual volume of Statutes and in those cases a reference is given to the volume and page where the Act is reprinted.

The table also includes cross references to the subject matters dealt with by legislation.

Title or Subject Matter.	Volume.	Page.
ABATTOIRS ACT, 1911-1936	1	1
ABATTOIRS ACT AMENDMENT ACT, 1938	1938	190
ABATTOIRS ACT AMENDMENT ACT, 1946	1946	149
ABATTOIRS ACT AMENDMENT ACT, 1947	1947	68
ABATTOIRS ACT AMENDMENT ACT, 1950	1950	124
Abattoirs <i>see also</i> Health: Local Government: Metropolitan and Export Abattoirs: Port Lincoln Abattoirs.		
Abduction <i>see</i> Kidnapping		
ABORIGINAL AFFAIRS ACT, 1962	1962	134
Aborigines <i>see also</i> Commonwealth Powers: Police Offences		
Absinthe <i>see</i> Food and Drug .		
Absconding Debtors <i>see</i> Debtors: Local Court: Supreme Court.		
Accidents, Notice of <i>see</i> Country Factories: Hospitals: Industrial: Road Traffic.		

Title or Subject Matter.	Volume.	Page.
Accumulations <i>see</i> Law of Property.		
Action, Survival of Causes of <i>see</i> Survival of Causes of Action.		
Acts, Administration of <i>see</i> Administration of Acts.		
ACTS INTERPRETATION ACT, 1915-1936	1	55
ACTS INTERPRETATION ACT AMENDMENT ACT, 1945	1945	33
ACTS INTERPRETATION ACT AMENDMENT ACT, 1949	1949	212
ACTS INTERPRETATION ACT AMENDMENT ACT, 1957	1957	56
ACTS INTERPRETATION ACT, 1915-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Acts, Reprint of <i>see</i> Acts Republication : Amendments Incorporation.		
ACTS REPUBLICATION ACT, 1934	1	73
Addicts, Alcoholic and Drug <i>see</i> Alcohol and Drug Addicts (Treatment).		
Adelaide Circulating Library <i>see</i> Libraries and Institutes.		
Adelaide Electric Supply Company <i>see</i> Electricity Trust of South Australia : Table of Public Acts of Restricted Application : Table of Private Acts.		
Adelaide Hospital <i>see</i> Hospitals : Infectious Diseases Hospital Transfer : Public Charities Funds.		
ADELAIDE SHOW GROUNDS (BY-LAWS) ACT, 1929	1	76
Adelaide Show Grounds <i>see also</i> Table of Public Acts of Restricted Application.		
ADMINISTRATION AND PROBATE ACT, 1919-1936.....	1	79
ADMINISTRATION AND PROBATE ACT AMENDMENT ACT, 1937	1937	102
ADMINISTRATION AND PROBATE ACT AMENDMENT ACT, 1956	1956	48
ADMINISTRATION AND PROBATE ACT AMENDMENT ACT, 1960	1960	60
ADMINISTRATION AND PROBATE ACT, 1919-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
THE ADMINISTRATION OF ACTS ACT, 1910.....	1	133
ADMINISTRATION OF JUSTICE ACT, 1921-1926	1	135
ADOPTION OF CHILDREN ACT, 1925-1934	1	140
ADOPTION OF CHILDREN ACT AMENDMENT ACT, 1940	1940	6

Title or Subject Matter.	Volume.	Page.
ADOPTION OF CHILDREN ACT AMENDMENT ACT, 1943	1943	38
ADOPTION OF CHILDREN ACT, 1925-1943 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>) ..	—	—
ADULTERATION OF WINE AND BRANDY (REPEAL) ACT, 1941	1941	17
ADVANCES FOR HOMES ACT, 1928-1935	1	156
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1944	1944	51
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1947	1947	30
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1949	1949	60
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1951	1951	34
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1957	1957	91
ADVANCES FOR HOMES ACT AMENDMENT ACT, 1958	1958	139
ADVANCES TO SETTLERS ACT, 1930	1	193
ADVANCES TO SETTLERS ACT AMENDMENT ACT, 1944	1944	54
ADVANCES TO SETTLERS ACT AMENDMENT ACT, 1952	1952	72
ADVANCES TO SETTLERS ACT AMENDMENT ACT, 1958	1958	125
Advertisements <i>see</i> Control of Advertisements : Highways : Local Government.		
Aerial Navigation <i>see</i> Air Navigation.		
Affidavits <i>see</i> Evidence : Evidence (Affidavits) : Oaths : Supreme Court.		
Affiliation <i>see</i> Maintenance.		
Affirmations <i>see</i> Oaths.		
AGED AND INFIRM PERSON'S PROPERTY ACT, 1940	1940	100
AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT ACT, 1950	1950	63
THE AGENT-GENERAL ACT, 1901-1934	1	206
AGENT-GENERAL ACT AMENDMENT ACT, 1941	1941	14
AGENT-GENERAL ACT AMENDMENT ACT, 1945	1945	6
AGENT-GENERAL ACT AMENDMENT ACT, 1948	1948	55
AGENT-GENERAL ACT AMENDMENT ACT, 1949	1949	206

Title or Subject Matter.	Volume.	Page.
AGENT-GENERAL ACT AMENDMENT ACT, 1953	1953	21
<i>The Agent-General Act, 1901-1934, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, by the Statutes Amendment (Public Salaries) Act, 1957, by the Statutes Amendment (Public Salaries) Act, 1959, and by the Statutes Amendment (Public Salaries) Act, (No. 2), 1960.</i>		
Agents, Business <i>see</i> Business Agents.		
Agents' Commission <i>see</i> Secret Commissions Prohibition.		
Agents, Inquiry <i>see</i> Bailiffs and Inquiry Agents Licensing.		
Agents, Land <i>see</i> Land Agents.		
Agents, Mercantile <i>see</i> Mercantile Law.		
Agents, Tax <i>see</i> Income Tax Assessment.		
AGRICULTURAL CHEMICALS ACT, 1955	1955	167
AGRICULTURAL COLLEGE ACT, 1936	1	208
AGRICULTURAL COLLEGE ACT AMENDMENT ACT, 1938	1938	112
AGRICULTURAL COLLEGE ACT, 1936-1938 (<i>as reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
AGRICULTURAL COLLEGE ACT AMENDMENT ACT, 1940	1940	37
AGRICULTURAL GRADUATES LAND SETTLEMENT ACT, 1922-1935	1	212
AGRICULTURAL GRADUATES LAND SETTLEMENT ACT AMENDMENT ACT, 1938	1938	82
THE AGRICULTURAL HOLDINGS ACT, 1891	1	220
AGRICULTURAL SEEDS ACT, 1938	1938	51
AGRICULTURAL SEEDS ACT AMENDMENT ACT, 1957	1957	72
AGRICULTURAL SEEDS ACT, 1938-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1957</i>).....	—	—
AIR NAVIGATION ACT, 1937	1937	47
Air Raid Precautions <i>see</i> Emergency Powers.		
Air Transport <i>see</i> Civil Aviation (Carriers' Liability) : Commonwealth Powers		
ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT, 1961....	1961	178
Alcohol <i>see also</i> Inflammable Liquids : Licensing.		
Aliens <i>see</i> Firearms : Law of Property : Local Government.		

Table of Public General Acts.

555

Title or Subject Matter.	Volume.	Page.
ALSATIAN DOGS ACT, 1934	1	232
ALSATIAN DOGS ACT AMENDMENT ACT, 1949	1949	207
ALSATIAN DOGS ACT, 1934-1949 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
AMENDMENTS INCORPORATION ACT, 1937.....	1937	49
AMUSEMENTS DUTY (SUSPENSION) ACT, 1942	1942	9
AMUSEMENTS DUTY (FURTHER SUSPENSION) ACT, 1954 ..	1954	92
AMUSEMENTS DUTY (FURTHER SUSPENSION) ACT, 1957 ..	1957	45
AMUSEMENTS DUTY (FURTHER SUSPENSION) ACT, 1960 ..	1960	39
Amusements Duty <i>see also</i> Stamp Duties.		
ANATOMY ACT, 1884-1934	1	236
ANATOMY ACT AMENDMENT ACT, 1954	1954	27
ANATOMY ACT AMENDMENT ACT (No. 2), 1954	1954	75
Ancient Lights <i>see</i> Law of Property.		
ANIMALS AND BIRDS PROTECTION ACT, 1919-1934	1	242
ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1938	1938	19
ANIMALS AND BIRDS PROTECTION ACT, 1919-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1938	285
ANIMALS AND BIRDS PROTECTION ACT AMENDMENT ACT, 1958	1958	159
ANIMALS AND BIRDS PROTECTION ACT, 1919-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Animals, Cruelty to <i>see</i> Prevention of Cruelty to Animals.		
Anzac Highway, Advertisements near <i>see</i> Highways.		
ANZAC HIGHWAY AGREEMENT ACT, 1937	1937	25
ANZAC HIGHWAY AGREEMENT ACT AMENDMENT ACT, 1940 .	1940	80
Apcel Limited <i>see</i> Pulp and Paper Mills Agreement		
APIARIES ACT, 1931-1935	1	263
APIARIES ACT AMENDMENT ACT, 1943	1943	41
Apportionment <i>see</i> Law of Property.		
APPRAISERS ACT, 1934	1	271
APPRAISERS ACT AMENDMENT ACT, 1961.....	1961	11

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
APPRAISERS ACT, 1934-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
APPRENTICES ACT, 1950	1950	157
Apprentices <i>see also</i> Hairdressers Registration : Industrial : Masters and Servants : Pharmacy.		
Appropriation Acts <i>see</i> Table of Public Acts of Restricted Application.		
APPROPRIATION (FEDERAL AID ROADS AGREEMENT) ACT, 1947	1947	91
ARBITRATION ACT, 1891-1934	1	273
ARCHITECTS ACT, 1939.....	1939	198
Artesian Bores <i>see</i> Pastoral : Underground Waters Preservation.		
ART GALLERY ACT, 1939	1939	154
ART GALLERY ACT AMENDMENT ACT, 1960	1960	67
ARTIFICIAL BREEDING ACT, 1961	1961	34
Art Unions <i>see</i> Lottery and Gaming.		
Assayers <i>see</i> Gold Buyers.		
ASSOCIATIONS INCORPORATION ACT, 1956	1956	203
ASSOCIATIONS INCORPORATION ACT AMENDMENT ACT, 1957	1957	55
ASSOCIATIONS INCORPORATION ACT, 1956-1957. (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Associations Incorporation <i>see also</i> Community Hotels (Incorporation) : Libraries and Institutes.		
AUCTIONEERS ACT, 1934.....	1	293
AUCTIONEERS ACT AMENDMENT ACT, 1953	1953	14
AUCTIONEERS ACT, 1934-1953 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
AUCTIONEERS ACT AMENDMENT ACT, 1961	1961	57
AUDIT ACT, 1921-1936	1	297
AUDIT ACT AMENDMENT ACT, 1946	1946	126
AUDIT ACT AMENDMENT ACT, 1949	1949	77
AUDIT ACT AMENDMENT ACT, 1951	1951	12

Title or Subject Matter.	Volume.	Page.
AUDIT ACT AMENDMENT ACT, 1957	1957	21
AUDIT ACT, 1921-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Audit Act, 1921-1936, has also been amended by the Public Finance Act, 1949, by the Statutes Amendment (Public Salaries) Act, 1955, by the Statutes Amendment (Public Salaries) Act, 1957, by the Statutes Amendment (Public Salaries) Act, 1959, and by the Statutes Amendment (Public Salaries) Act (No. 2), 1960.</i>		
Australian Loan Council <i>see</i> Financial Agreement.		
THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT, 1959	1959	49
Badges <i>see</i> Returned Servicemen's Badges.		
Bagatelle <i>see</i> Licensing.		
BAILIFFS AND INQUIRY AGENTS LICENSING ACT, 1945	1945	57
Bakers <i>see</i> Bread.		
BAKEHOUSES REGISTRATION ACT, 1945	1945	147
BAKEHOUSES REGISTRATION ACT AMENDMENT ACT, 1947 .	1947	110
BAKEHOUSES REGISTRATION ACT, 1945-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
THE BALLOT ACT OF 1862	1	313
Bank Holidays <i>see</i> Holidays.		
BANKING COMPANIES ACT REPEAL ACT, 1946	1946	109
Banking Companies and Partnerships <i>see</i> Companies.		
Bank Notes <i>see</i> Banking Companies : Stamp Duties.		
Bankers' Books <i>see</i> Evidence.		
BANKS STATUTORY OBLIGATIONS AMENDMENT ACT, 1962	1962	85
BARLEY MARKETING ACT, 1947	1947	128
BARLEY MARKETING ACT AMENDMENT ACT, 1952	1952	107
BARLEY MARKETING ACT AMENDMENT ACT, 1953	1953	30
BARLEY MARKETING ACT AMENDMENT ACT, 1956	1956	63
BARLEY MARKETING ACT AMENDMENT ACT, 1962	1962	147
Barmaids <i>see</i> Licensing.		

Title or Subject Matter.	Volume.	Page.
Barristers <i>see</i> Legal Practitioners : Supreme Court.		
Basic Wage <i>see</i> Industrial.		
Bastardy <i>see</i> Maintenance.		
Beekeepers <i>see</i> Apiaries : Bush Fires : Honey Marketing : Local Government.		
BENEFIT ASSOCIATIONS ACT, 1958	1958	161
Benzol <i>see</i> Liquid Fuel.		
Betting <i>see</i> Lottery and Gaming.		
Billiards <i>see</i> Licensing.		
Bills of Lading <i>see</i> Mercantile Law.		
THE BILLS OF SALE ACT, 1886-1935	1	329
BILLS OF SALE ACT AMENDMENT ACT, 1940	1940	158
THE BILLS OF SALE ACT, 1886-1940 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Bird Cages <i>see</i> Prevention of Cruelty to Animals.		
Birkenhead Bridge <i>see</i> Highways.		
Births <i>see</i> Adoption of Children : Births and Deaths Registration : Notification of Births.		
BIRTHS AND DEATHS REGISTRATION ACT, 1936	1	345
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1940	1940	56
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1942	1942	25
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1947	1947	112
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1959	1959	159
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1960	1960	76
BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT ACT, 1962	1962	149
Births Registration <i>see also</i> Adoption of Children.		
Blast Furnace <i>see</i> Broken Hill Proprietary Company's Indenture.		
Blood, Sale of Human <i>see</i> Sale of Human Blood.		

Title or Subject Matter.	Volume.	Page.
Blood Transfusion <i>see</i> Emergency Medical Treatment of Children.		
Board of Industry <i>see</i> Industrial.		
Boat Harbors for Fishing Boats <i>see</i> Fisheries.		
Boilers <i>see</i> Steam Boilers and Enginedrivers.		
Bookmakers <i>see</i> Lottery and Gaming.		
Boots <i>see</i> Footwear Regulation.		
Bores <i>see</i> Underground Waters Preservation.		
BOTANIC GARDEN ACT, 1935.....	1	375
BOTANIC GARDEN ACT AMENDMENT ACT, 1940	1940	59
BOTANIC GARDEN ACT AMENDMENT ACT, 1960	1960	170
BOTANIC GARDEN ACT AMENDMENT ACT, 1961	1961	40
BRACHINA TO LEIGH CREEK NORTH COALFIELD RAILWAY AGREEMENT ACT, 1950	1950	137
BRANDS ACT, 1933-1936	1	381
BRANDS ACT AMENDMENT ACT, 1948	1948	112
BRANDS ACT AMENDMENT ACT, 1955	1955	141
BRANDS ACT AMENDMENT ACT, 1957	1957	75
BRANDS ACT AMENDMENT ACT, 1961	1961	58
Brandy Adulteration <i>see</i> Food and Drugs : Licensing.		
Breach of Promise <i>see</i> Evidence : Survival of Causes of Action.		
BREAD ACT, 1954	1954	93
Bread <i>see also</i> Bakehouses Registration.		
Breeding, Artificial <i>see</i> Artificial Breeding.		
Brewers <i>see</i> Licensing.		
BROADENING OF GAUGE (SOUTH-EASTERN RAILWAYS) ACT, 1944	1944	35
BROKEN HILL PROPRIETARY COMPANY'S INDENTURE ACT, 1937	1937	75
<i>The Broken Hill Proprietary Company's Indenture Act, 1937, has been amended by the Northern Areas and Whyalla Water Supply Act, 1940.</i>		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
BROKEN HILL PROPRIETARY COMPANY'S STEEL WORKS INDENTURE ACT, 1958	1958	86
Broken Hill Proprietary Company <i>see also</i> Northern Areas and Whyalla Water Supply: Table of Public Acts of Restricted Application: Table of Private Acts: Whyalla Town Commission.		
Brokers <i>see</i> Sharebrokers.		
Brokers, Licensed Land <i>see</i> Real Property.		
Brothels <i>see</i> Police Offences.		
Broughton Irrigation <i>see</i> Lower River Broughton Irrigation Trust.		
Buffer Wild Dog Fence <i>see</i> Dog Fence.		
BUILDING ACT, 1923-1935	1	424
BUILDING ACT AMENDMENT ACT, 1940	1940	162
BUILDING ACT, 1923-1940 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1940	353
BUILDING ACT AMENDMENT ACT, 1946	1946	36
BUILDING ACT AMENDMENT ACT, 1953	1953	141
BUILDING ACT, 1923-1953 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Building <i>see also</i> Local Government.		
BUILDING CONTRACTS (DEPOSITS) ACT, 1953	1953	52
BUILDING CONTRACTS (DEPOSITS) ACT AMENDMENT ACT 1954	1954	88
Building Control <i>see</i> Building Operations.		
Building, Encroachment by <i>see</i> Encroachments.		
BUILDING OPERATIONS ACT, 1952	1952	78
THE BUILDING SOCIETIES ACT, 1881-1936	1	513
BUILDING SOCIETIES ACT AMENDMENT ACT, 1938	1938	114
BUILDING SOCIETIES ACT, 1881-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1938	307
Building Societies <i>see also</i> Homes: Housing Agreement.		
BULK HANDLING OF GRAIN ACT, 1955	1955	12
BULK HANDLING OF GRAIN ACT AMENDMENT ACT, 1961	1961	9

Title or Subject Matter.	Volume.	Page.
BULK HANDLING OF GRAIN ACT AMENDMENT ACT, 1962 .	1962	17
Bulls, Licensing of <i>see</i> Dairy Cattle Improvement.		
Burials <i>see</i> Anatomy : Births and Deaths Registration : Coroners : Cremation : Health : Local Government : Medical Practitioners.		
BUSH FIRES ACT, 1960	1960	124
Bush Fires <i>see also</i> Volunteer Fire Fighters Fund.		
BUSINESS AGENTS ACT, 1938.....	1938	173
BUSINESS AGENTS ACT AMENDMENT ACT, 1949	1949	118
BUSINESS AGENTS ACT AMENDMENT ACT, 1951	1951	16
BUSINESS AGENTS ACT AMENDMENT ACT, 1954	1954	18
BUSINESS AGENTS ACT, 1938-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
<i>The Business Agents Act, 1938, has also been amended by the Statute Law Revision Act, 1957.</i>		
Business Names <i>see</i> Registration of Business Names.		
Butter <i>see</i> Dairy Industry : Dairy Produce : Food and Drugs : Margarine.		
Cabarets <i>see</i> Places of Public Entertainment.		
Cabs <i>see</i> Local Government : Metropolitan Taxi-Cab : Road and Railway Transport.		
CAMELS DESTRUCTION ACT, 1925-1926	1	554
Capital Issues Regulations <i>see</i> Economic Stability.		
THE CARRIERS ACT, 1891	1	556
Carriers <i>see also</i> Civil Aviation (Carriers Liability) : Road and Railway Transport.		
Cash Order Transactions <i>see</i> Money-Lenders.		
Catholic Church Endowment Society <i>see, in the Table of Public Acts of Restricted Application, Exchange of Land (Hundred of Noarlunga).</i>		
CATTLE COMPENSATION ACT, 1939	1939	65
CATTLE COMPENSATION ACT AMENDMENT ACT, 1948	1948	109
CATTLE COMPENSATION ACT AMENDMENT ACT, 1951	1951	30
CATTLE COMPENSATION ACT AMENDMENT ACT (No. 2), 1951	1951	76
CATTLE COMPENSATION ACT AMENDMENT ACT, 1954	1954	82

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
CATTLE COMPENSATION ACT, 1939-1954 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
CATTLE COMPENSATION ACT AMENDMENT ACT, 1962..... Cattle Compensation <i>see also</i> Stock Diseases.	1962	89
CELLULOSE (AUSTRALIA) LIMITED (GOVERNMENT SHARES) ACT, 1957	1957	17
CELLULOSE (AUSTRALIA) LIMITED (GOVERNMENT SHARES) ACT, 1960	1960	45
Cellulose (Australia) Limited <i>see also</i> Pulp and Paper Mills Agreement: Surplus Revenue.		
Cemeteries <i>see</i> Cremation: Enfield General Cemetery: Local Government: West Terrace Cemetery.		
Censorship <i>see</i> Places of Public Entertainment.		
CHAFF AND HAY ACT, 1922	1	560
CHAFF AND HAY ACT AMENDMENT ACT, 1938	1938	4
CHAFF AND HAY ACT, 1922-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
CHAFF AND HAY (ACQUISITION) ACT, 1944	1944	6
Chaff and Hay Acquisition <i>see also</i> Drought Relief.		
Chain Pharmacy Shops <i>see</i> Pharmacy.		
Charitable Collections <i>see</i> Collections for Charitable Purposes.		
Charitable Funds <i>see</i> Collections for Charitable Purposes: Public Charities Funds.		
Charitable Trusts Procedure <i>see</i> Trustee.		
Cheese <i>see</i> Dairy Industry: Dairy Produce: Food and Drugs.		
Chemists <i>see</i> Pharmacy.		
Child Minding Centres <i>see</i> Local Government.		
Children, Adoption of <i>see</i> Adoption of Children.		
Children, Courts for Trial of <i>see</i> Juvenile Courts.		
Children, Emergency Medical Treatment of <i>see</i> Emergency Medical Treatment of Children.		
Children, Evidence of <i>see</i> Evidence.		
Children, Guardianship of <i>see</i> Guardianship of Infants.		
Children, Legitimation of <i>see</i> Births and Deaths Registration.		

Table of Public General Acts.

563

Title or Subject Matter.	Volume.	Page.
CHILDREN'S INSTITUTIONS SUBSIDIES ACT, 1961	1961	60
CHILDREN'S PROTECTION ACT, 1936	1	568
CHILDREN'S PROTECTION ACT AMENDMENT ACT, 1961 ...	1961	19
CHIROPODISTS ACT, 1950	1950	184
CHIROPRACTIC ACT, 1949	1949	84
Circuit Courts <i>see</i> Supreme Court.		
CITRUS MARKETING ACT, 1931	1	574
CITY OF WHYALLA COMMISSION ACT, 1944	1944	96
WHYALLA TOWN COMMISSION ACT AMENDMENT ACT, 1949	1949	52
WHYALLA TOWN COMMISSION ACT AMENDMENT ACT, 1961	1961	32
CITY OF WHYALLA COMMISSION ACT AMENDMENT ACT, 1961	1961	62
City of Whyalla Town Lands <i>see</i> Crown Lands.		
City of Whyalla Water Supply <i>see</i> Northern Areas and Whyalla Water Supply.		
CIVIL AVIATION (CARRIERS' LIABILITY) ACT, 1962	1962	32
Civil Service <i>see</i> Public Service.		
Closer Settlement <i>see</i> Crown Lands.		
Clubs <i>see</i> Licensing.		
COAL ACT, 1947	1947	70
COAL ACT AMENDMENT ACT, 1948.....	1948	140
COAL ACT AMENDMENT ACT, 1949	1949	44
COAL ACT AMENDMENT ACT, 1950	1950	6
COAL ACT AMENDMENT ACT, 1955	1955	97
Coal Mining <i>see</i> Electricity Trust of South Australia : Mining.		
Coal Rationing <i>see</i> Coal.		
COLLECTIONS FOR CHARITABLE PURPOSES ACT, 1939	1939	73
COLLECTIONS FOR CHARITABLE PURPOSES ACT AMENDMENT ACT, 1947	1947	45
COLLECTIONS FOR CHARITABLE PURPOSES ACT, 1939-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Combines <i>see</i> Fair Prices.		

Title or Subject Matter.	Volume.	Page.
COMMISSIONER OF PUBLIC WORKS INCORPORATION ACT, 1917 Commissioner of Public Works <i>see also</i> Ministers' Titles. Commissioners for Taking Affidavits <i>see</i> Oaths : Supreme Court. Commissions, Prohibition of <i>see</i> Secret Commissions Prohibition. Commissions, Royal <i>see</i> Royal Commissions. Common Employment, Abolition of Rule of <i>see</i> Wrongs.	1	593
COMMONWEALTH AND STATE HOUSING AGREEMENT ACT, 1945	1945	122
COMMONWEALTH AND STATE HOUSING SUPPLEMENTAL AGREEMENT ACT, 1954 Commonwealth and State Housing Agreement <i>see also</i> Housing Agreement. Commonwealth Housing <i>see</i> Advances for Homes. Commonwealth Income Tax <i>see</i> Income Tax Collection.	1954	141
COMMONWEALTH LEGISLATIVE POWER ACT, 1931	1	594
COMMONWEALTH POWERS ACT, 1943 Commonwealth Powers <i>see also</i> Air Navigation : Economic Stability. Commonwealth National Security Regulations <i>see</i> Economic Stability : Prices.	1943	4
COMMONWEALTH WATER AGREEMENT RATIFICATION ACT REPEAL ACT, 1954	1954	89
COMMUNITY HOTELS (INCORPORATION) ACT, 1938	1938	93
COMMUNITY HOTELS INCORPORATION ACT AMENDMENT ACT, 1944	1944	57
COMPANIES ACT, 1962 Companies <i>see also</i> Banking Companies : Insurance Companies (Deposits) : Unclaimed Moneys.	1962	181
COMPULSORY ACQUISITION OF LAND ACT, 1925	1	870
COMPULSORY ACQUISITION OF LAND ACT AMENDMENT ACT, 1959	1959	79
COMPULSORY ACQUISITION OF LAND ACT, 1925-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>) Compulsory Voting <i>see</i> Electoral.	—	—
CONCILIATION ACT, 1929	1	919

Title or Subject Matter.	Volume.	Page.
CONSOLIDATION OF REGULATIONS ACT, 1937	1937	124
CONSTITUTION ACT, 1934-1936	2	1
CONSTITUTION ACT AMENDMENT ACT, 1937.....	1937	134
CONSTITUTION ACT AMENDMENT ACT, 1939	1939	365
CONSTITUTION ACT AMENDMENT ACT (No. 2), 1939	1939	368
CONSTITUTION ACT AMENDMENT ACT, 1940.....	1940	89
CONSTITUTION ACT AMENDMENT ACT, 1942	1942	16
CONSTITUTION ACT AMENDMENT ACT, 1943	1943	124
CONSTITUTION ACT AMENDMENT ACT, 1947.....	1947	46
CONSTITUTION ACT AMENDMENT ACT, 1950.....	1950	112
CONSTITUTION ACT AMENDMENT ACT, 1951.....	1951	7
CONSTITUTION ACT AMENDMENT ACT (No. 2), 1951	1951	165
CONSTITUTION ACT AMENDMENT ACT, 1953.....	1953	76
CONSTITUTION ACT AMENDMENT ACT (No. 2), 1953	1953	201
CONSTITUTION ACT AMENDMENT ACT, 1955.....	1955	218
CONSTITUTION ACT AMENDMENT ACT, 1959.....	1959	123
CONSTITUTION ACT AMENDMENT ACT, 1961.....	1961	64
CONSTITUTION ACT, 1934-1961 (<i>As reprinted pursuant to the</i> <i>Amendments Incorporation Act, 1937</i>)	1961	305
<i>The Constitution Act, 1934-1936, has also been amended by the</i> <i>Public Finance Act, 1949, by the Statutes Amendment</i> <i>(Public Salaries) Act, 1955, and by the Statutes Amendment</i> <i>(Public Salaries) Act, 1960.</i>		
Constitution <i>see also</i> Commonwealth Powers.		
Contracts, Building <i>see</i> Building Contracts (Deposits).		
Contributory Negligence <i>see</i> Wrongs.		
Controlled Access Roads <i>see</i> Highways.		
CONTROL OF ADVERTISEMENTS ACT, 1916-1935.....	2	40
CONTROL OF WATERS ACT, 1919-1925.....	2	44
Conversion of Public Securities <i>see</i> Commonwealth Legislative Power : Financial Agreement : Financial Emergency.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
Conveyancing <i>see</i> Estates Tail: Homestead: Law of Property: Real Property: Registration of Deeds: Settled Estates: Trustee: Wills.		
Convicts' Property <i>see</i> Criminal Law Consolidation.		
Co-operative Societies <i>see</i> Building Societies: Friendly Societies: Industrial and Provident Societies.		
Copyright <i>see</i> Table of Public Acts of Restricted Application.		
Corneal Grafting <i>see</i> Anatomy.		
CORNSACKS ACT, 1938	1938	124
CORNSACKS ACT AMENDMENT ACT, 1939	1939	18
CORONERS ACT, 1935	2	62
CORONERS ACT AMENDMENT ACT, 1952	1952	161
CORONERS ACT, 1935-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
COUNTRY FACTORIES ACT, 1945	1945	84
COUNTRY HOUSING ACT, 1958	1958	13
COUNTRY HOUSING ACT AMENDMENT ACT, 1960	1960	47
Coupons, Trading <i>see</i> Trading Stamps.		
COURSING RESTRICTION ACT, 1927	2	74
Court of Disputed Returns <i>see</i> Electoral.		
Courts, Juvenile <i>see</i> Juvenile Courts.		
Courts, Maintenance of Order in <i>see</i> Law Courts (Maintenance of Order).		
Courts, Restrictions on Publication of Reports of Proceedings of <i>see</i> Police Offences.		
Cream <i>see</i> Dairy Industry: Food and Drugs: Metropolitan Milk Supply.		
CREMATION ACT, 1891-1936	2	67
Criminal Appeals <i>see</i> Criminal Law Consolidation.		
Criminal Children <i>see</i> Juvenile Courts.		
Criminal Conversation, Abolition of <i>see</i> Matrimonial Causes.		
CRIMINAL LAW CONSOLIDATION ACT, 1935	2	81
CRIMINAL LAW CONSOLIDATION ACT AMENDMENT ACT, 1940	1940	179
CRIMINAL LAW CONSOLIDATION ACT AMENDMENT ACT, 1952	1952	66

Title or Subject Matter.	Volume.	Page.
CRIMINAL LAW CONSOLIDATION ACT AMENDMENT ACT, 1956	1956	183
CRIMINAL LAW CONSOLIDATION ACT, 1935-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Criminal Law Consolidation Act, 1935, has also been amended by the Coroners Act Amendment Act, 1952, and the Statute Law Revision Act, 1957.</i>		
Criminal Law <i>see also</i> Kidnapping.		
Criminal Mental Defectives <i>see</i> Mental Health.		
CROWN DEBTORS RELIEF ACT, 1934	2	216
CROWN LANDS ACT, 1929-1936	2	219
CROWN LANDS ACT AMENDMENT ACT, 1937	1937	88
CROWN LANDS ACT AMENDMENT ACT, 1938	1938	95
CROWN LANDS ACT AMENDMENT ACT, 1939	1939	5
CROWN LANDS ACT AMENDMENT ACT (No. 2), 1939	1939	250
CROWN LANDS ACT, 1929-1939 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1939	414
CROWN LANDS ACT AMENDMENT ACT, 1940	1940	61
CROWN LANDS ACT AMENDMENT ACT, 1941	1941	90
CROWN LANDS ACT AMENDMENT ACT, 1944	1944	66
CROWN LANDS ACT, 1929-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
CROWN LANDS ACT AMENDMENT ACT, 1957	1957	68
CROWN LANDS ACT AMENDMENT ACT, 1960	1960	172
<i>The Crown Lands Act, 1929-1936, has also been amended by the Soil Conservation Act Amendment Act, 1945, and the Statute Law Revision Act, 1952.</i>		
CROWN LANDS DEVELOPMENT ACT, 1943	1943	43
Crown Lands Development <i>see also</i> Land Settlement : Land Settlement (Development Leases).		
CROWN RATES AND TAXES RECOVERY ACT, 1945	1945	98
Cruelty to Animals <i>see</i> Prevention of Cruelty to Animals.		
Dairies <i>see</i> Dairy Industry : Food and Drugs : Health : Metropolitan Milk Supply.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
DAIRY CATTLE IMPROVEMENT ACT, 1921-1934	2	343
DAIRY CATTLE IMPROVEMENT ACT AMENDMENT ACT, 1940..	1940	153
DAIRY CATTLE IMPROVEMENT ACT AMENDMENT ACT, 1955	1955	35
DAIRY CATTLE IMPROVEMENT ACT AMENDMENT ACT, 1960	1960	175
DAIRY INDUSTRY ACT, 1928-1935	2	349
DAIRY INDUSTRY ACT AMENDMENT ACT, 1937	1937	129
DAIRY INDUSTRY ACT, 1928-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
DAIRY INDUSTRY ACT AMENDMENT ACT, 1942	1942	95
DAIRY INDUSTRY ACT AMENDMENT ACT, 1957	1957	77
DAIRY INDUSTRY ACT AMENDMENT ACT, 1958	1958	168
<i>The Dairy Industry Act, 1928-1935, has also been amended by the Margarine Act, 1939.</i>		
DAIRY PRODUCE ACT, 1934-1935	2	366
DAIRY PRODUCE ACT AMENDMENT ACT, 1937	1937	12
DAIRY PRODUCE ACT, 1934-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
DAIRY PRODUCE ACT AMENDMENT ACT, 1938	1938	39
DAIRY PRODUCE ACT AMENDMENT ACT, 1940	1940	23
DAIRY PRODUCE ACT AMENDMENT ACT, 1942	1942	11
DAIRY PRODUCE ACT AMENDMENT ACT, 1944	1944	11
DAIRY PRODUCE ACT AMENDMENT ACT, 1946	1946	102
Damages, Survival of Actions for <i>see</i> Survival of Causes of Action.		
DANGEROUS DRUGS ACT, 1934	2	372
DANGEROUS DRUGS ACT AMENDMENT ACT, 1955	1955	89
DANGEROUS DRUGS ACT, 1934-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Dangerous Weeds <i>see</i> Weeds.		
Dealers <i>see</i> Marine Stores : Second-hand Dealers.		

Title or Subject Matter.	Volume.	Page.
Death Certificates <i>see</i> Births and Deaths Registration : Medical Practitioners.		
Death, Survival of Causes of Action after <i>see</i> Survival of Causes of Action.		
Deaths Registration <i>see</i> Births and Deaths Registration.		
Debt Adjustment <i>see</i> Farmers Assistance : Primary Producers Debts.		
DEBTORS ACT, 1936	2	393
Declarations <i>see</i> Oaths.		
Defamation <i>see</i> Wrongs.		
DENTISTS ACT, 1931-1936	2	396
DENTISTS ACT AMENDMENT ACT, 1960.....	1960	5
Destitute Children <i>see</i> Children's Institutions Subsidies : Maintenance.		
Destitute Persons <i>see</i> Interstate Destitute Persons Relief : Maintenance.		
DISCHARGED SOLDIERS SETTLEMENT ACT, 1934-1935	2	422
DISCHARGED SOLDIERS SETTLEMENT ACT AMENDMENT ACT, 1940	1940	68
Discharged Soldiers Settlement <i>see also</i> Commonwealth Powers : Land Settlement : Livestock (War Service Land Settlement) : War Service Land Settlement Agreement.		
Distillers <i>see</i> Licensing.		
Distress for Rent <i>See</i> Excessive Rents : Landlord and Tenant.		
District Councils <i>see</i> Local Government.		
Divorce <i>see</i> Matrimonial Causes.		
Divorce Proceedings, Restrictions on Reports of <i>see</i> Police Offences.		
DOG FENCE ACT, 1946	1946	155
DOG FENCE ACT AMENDMENT ACT, 1949	1949	152
DOG FENCE ACT AMENDMENT ACT, 1953	1953	19
DOG FENCE ACT AMENDMENT ACT, 1959	1959	81
DOG FENCE ACT AMENDMENT ACT, 1960	1960	91
DOG FENCE ACT AMENDMENT ACT, 1961	1961	42

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
DOG FENCE ACT AMENDMENT ACT, 1962	1962	153
Dogs <i>see</i> Alsatian Dogs : Coursing Restriction : Dog Fence : Registration of Dogs : Wild Dogs.		
DRAUGHT STALLIONS ACT REPEAL ACT, 1955.....	1955	31
DRIED FRUITS ACT, 1934	2	462
DRIED FRUITS ACT AMENDMENT ACT, 1938	1938	136
DRIED FRUITS ACT, 1934-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
DRIED FRUITS ACT AMENDMENT ACT, 1941	1941	127
Drive-in Theatres <i>see</i> Places of Public Entertainment.		
Drivers Licences <i>see</i> Motor Vehicles.		
DROUGHT RELIEF ACT, 1940.....	1940	39
DROUGHT AND FROST RELIEF ACT, 1944.....	1944	43
DROUGHT RELIEF ACT, 1945	1945	29
DROUGHT RELIEF ACT, 1946	1946	1
Drought Relief <i>see also</i> Table of Public Acts of Restricted Application.		
Drought Relief Charges <i>see</i> Farmers Assistance.		
Drugs <i>see</i> Alcohol and Drug Addicts (Treatment) : Benefit Associations : Dangerous Drugs : Food and Drugs.		
EARLY CLOSING ACT, 1926-1935.....	2	477
EARLY CLOSING ACT AMENDMENT ACT, 1940	1946	46
EARLY CLOSING ACT AMENDMENT ACT, 1945	1945	153
EARLY CLOSING ACT AMENDMENT ACT, 1952	1952	59
EARLY CLOSING ACT AMENDMENT ACT, 1953	1953	146
EARLY CLOSING ACT AMENDMENT ACT, 1954	1954	99
EARLY CLOSING ACT AMENDMENT ACT, 1960	1960	177
EARLY CLOSING ACT, 1926-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Earmarks <i>see</i> Brands.		
EASTER ACT, 1929	2	524

Table of Public General Acts.

571

Title or Subject Matter.	Volume.	Page.
ECONOMIC STABILITY ACT, 1946	1946	248
EDUCATION ACT, 1915-1935	2	525
EDUCATION ACT AMENDMENT ACT, 1940	1940	122
EDUCATION ACT AMENDMENT ACT, 1941	1941	182
EDUCATION ACT AMENDMENT ACT, 1942	1942	67
EDUCATION ACT AMENDMENT ACT, 1945	1945	156
EDUCATION ACT AMENDMENT ACT, 1946	1946	110
EDUCATION ACT AMENDMENT ACT, 1947	1947	75
EDUCATION ACT AMENDMENT ACT, 1947 (No. 2)	1947	76
EDUCATION ACT AMENDMENT ACT, 1948	1948	28
EDUCATION ACT AMENDMENT ACT, 1949	1949	96
EDUCATION ACT AMENDMENT ACT, 1951	1951	98
EDUCATION ACT AMENDMENT ACT, 1954	1954	102
EDUCATION ACT, 1915-1954 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
EDUCATION ACT AMENDMENT ACT, 1960	1960	258
EDUCATION ACT AMENDMENT ACT, 1962	1962	53
<i>The Education Act, 1915-1935, has also been amended by the Statutes Amendment (Long Service Leave) Act, 1958.</i>		
Education <i>see also</i> Apprentices: Salaries Adjustment (Public Service and Teachers).		
Eggs, Marketing of <i>see</i> Marketing of Eggs.		
EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT, 1959	1959	125
Ejection <i>see</i> Crown Lands: Economic Stability: Housing Improvement: Landlord and Tenant: Landlord and Tenant (Control of Rents): Local Courts: Real Property.		
THE ELECTION OF SENATORS ACT, 1903	2	566
Elections <i>see</i> Ballot: Constitution: Election of Senators: Electoral: Local Government.		
ELECTORAL ACT, 1929-1934	2	567
ELECTORAL ACT AMENDMENT ACT, 1937	1937	130

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
ELECTORAL ACT AMENDMENT ACT, 1941	1941	97
ELECTORAL ACT AMENDMENT ACT, 1942	1942	130
ELECTORAL ACT AMENDMENT ACT, 1943	1943	78
ELECTORAL ACT AMENDMENT ACT, 1946	1946	171
ELECTORAL ACT AMENDMENT ACT, 1950	1950	121
ELECTORAL ACT AMENDMENT ACT, 1955	1955	159
ELECTORAL ACT, 1929-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
ELECTORAL ACT AMENDMENT ACT, 1959	1959	11
ELECTORAL DISTRICTS (REDIVISION) ACT, 1954	1954	103
ELECTORAL DISTRICTS (REDIVISION) ACT, 1962	1962	94
Electoral Districts <i>see also</i> Constitution.		
ELECTRICAL ARTICLES AND MATERIALS ACT, 1940	1940	125
Electrical Articles and Materials <i>see also</i> Electricity.		
ELECTRICITY ACT, 1943	1943	80
<i>The Electricity Act, 1943, has been amended by the Electricity Trust of South Australia Act, 1946</i>		
ELECTRICITY (COUNTRY AREAS) SUBSIDY ACT, 1962.....	1962	9
Electricity Rationing <i>see</i> Coal.		
ELECTRICITY SUPPLIES (COUNTRY AREAS) ACT, 1950	1950	30
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT, 1946	1946	5
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1946	1946	120
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1949	1949	154
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1952	1952	53
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1954	1954	145
ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT 1946-1954 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).	—	—

Title or Subject Matter.	Volume.	Page.
THE ELECTRICITY TRUST OF SOUTH AUSTRALIA (TORRENS ISLAND POWER STATION) ACT, 1962	1962	81
Electric Supply Works <i>see</i> Electricity (Country Areas) Subsidies : Electricity Supplies (Country Areas): Local Electricity Undertakings (Security for Loans): Local Government.		
Elevators <i>see</i> Lifts Regulation.		
EMERGENCY POWERS ACT, 1941	1941	8
<i>The Emergency Powers Act, 1941, has been amended by the Statute Law Revision Act, 1952.</i>		
EMERGENCY MEDICAL TREATMENT OF CHILDREN ACT, 1960.	1960	189
EMERGENCY SUPPLIES ACT, 1941.....	1941	72
EMPLOYEES REGISTRY OFFICES ACT, 1915-1934	2	632
EMPLOYEES REGISTRY OFFICES ACT, 1939	1939	259
EMPLOYEES REGISTRY OFFICES ACT, 1915-1939 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
EMPLOYEES REGISTRY OFFICES ACT AMENDMENT ACT, 1953	1953	78
Employers Liability <i>see</i> Wrongs.		
ENCROACHMENTS ACT, 1944.....	1944	59
ENFIELD GENERAL CEMETERY ACT, 1944	1944	146
ENFIELD GENERAL CEMETERY ACT AMENDMENT ACT, 1949	1949	62
ENFIELD GENERAL CEMETERY (EXCHANGE OF LAND) ACT, 1952	1952	128
ENFIELD GENERAL CEMETERY ACT AMENDMENT ACT, 1956.	1956	36
ENFIELD GENERAL CEMETERY ACT AMENDMENT ACT, 1960	1960	94
Enginedrivers <i>see</i> Steamboilers and Enginedrivers.		
Entertainments <i>see</i> Amusements Duty (Suspension) : Children's Protection : Collections for Charitable Purposes : Licensing : Places of Public Entertainment : Stamp Duties.		
Erosion <i>see</i> Crown Lands : Pastoral : Sand Drift : Soil Conservation.		
THE ESTATES TAIL ACT, 1881	2	647
Eviictions, Control of <i>see</i> Excessive Rents : Housing Improvement.		

Title or Subject Matter.	Volume.	Page.
EVIDENCE ACT, 1929-1933	2	649
EVIDENCE ACT AMENDMENT ACT, 1940	1940	129
EVIDENCE ACT AMENDMENT ACT, 1941	1941	100
EVIDENCE ACT AMENDMENT ACT, 1945	1945	133
EVIDENCE ACT AMENDMENT ACT, 1947	1947	7
EVIDENCE ACT AMENDMENT ACT, 1949	1949	121
EVIDENCE ACT AMENDMENT ACT, 1955	1955	85
EVIDENCE ACT AMENDMENT ACT, 1957	1957	94
EVIDENCE ACT, 1929-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1958	235
EVIDENCE ACT AMENDMENT ACT, 1960	1960	64
<i>The Evidence Act, 1929-1933, has also been amended by the Statute Law Revision Act, 1952.</i>		
EVIDENCE (AFFIDAVITS) ACT, 1928	2	676
Evidence as to Wills <i>see</i> Aged and Infirm Persons' Property.		
EXCESSIVE RENTS ACT, 1962	1962	173
Exchange, Overseas <i>see</i> Commonwealth Powers.		
Executive <i>see</i> Constitution.		
Exhumations <i>see</i> Coroners.		
EXPLOSIVES ACT, 1936	2	677
EXPLOSIVES ACT AMENDMENT ACT, 1958	1958	126
EXPLOSIVES ACT, 1936-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
EXPLOSIVES ACT AMENDMENT ACT, 1962	1962	55
Export Meat Works <i>see</i> Metropolitan and Export Abattoirs.		
Eyes, Removal of from Deceased Persons <i>see</i> Anatomy.		
EYRE PENINSULA LAND PURCHASE ACT, 1946	1946	24
Factories <i>see</i> Country Factories : Health : Industrial : Local Government : Manufacturing Industries Protection : Noxious Trades.		
Factors <i>see</i> Mercantile Law.		

Table of Public General Acts.

575

Title or Subject Matter.	Volume.	Page.
<p>FAIR PRICES ACT, 1924-1935</p> <p>Fair Prices <i>see also</i> Commonwealth Powers : Prices.</p> <p>Family Allowances <i>see</i> Commonwealth Powers.</p>	2	699
<p>FARMERS ASSISTANCE ACT, 1933-1936</p>	2	707
<p>FARMERS ASSISTANCE (EXTENSION) ACT, 1938</p>	1938	170
<p>FARMERS ASSISTANCE ACT, 1933-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)</p>	—	—
<p>FARMERS ASSISTANCE ACT AMENDMENT ACT, 1939</p>	1939	195
<p><i>The Farmers Assistance Act, 1933-1936, has also been amended by the Primary Producers Assistance Act, 1943.</i></p> <p>Farmers Relief <i>see</i> Drought Relief : Table of Public Acts of Restricted Application.</p> <p>Fatal Accidents <i>see</i> Survival of Causes of Action : Wrongs.</p>		
<p>FAUNA AND FLORA RESERVE ACT, 1919-1935</p>	2	740
<p>FAUNA AND FLORA RESERVE ACT AMENDMENT ACT, 1940</p>	1940	73
<p>FEDERAL AID ROADS AGREEMENT ACT, 1926</p>	2	752
<p>FEDERAL AID ROADS AGREEMENT ACT, 1930</p>	2	756
<p>AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1931 ..</p>	2	760
<p>AMENDING FEDERAL AID ROADS AGREEMENT ACT, 1936 ..</p>	2	765
<p>FEDERAL AID ROADS AGREEMENT ACT, 1937</p> <p>Federal Aid Roads Agreement <i>see also</i> Appropriation (Federal Aid Roads Agreement).</p>	1937	5
<p>FEES REGULATION ACT, 1927</p> <p>Fees, Statutory <i>see</i> Statutory Salaries and Fees.</p>	2	768
<p>FENCES ACT, 1924-1926</p> <p>Fences <i>see also</i> Bush Fires : Dog Fence : Vermin.</p> <p>Fencing Loans <i>see</i> Advances to Settlers : Loans for Fencing and Water Piping : Vermin.</p> <p>Ferries <i>see</i> Harbors : Local Government.</p> <p>Fertilizers <i>see</i> Agricultural Chemicals.</p>	3	1
<p>FIBRE AND SPONGES ACT, 1909-1935</p>	3	27
<p>FIBRE AND SPONGES ACT AMENDMENT ACT, 1937</p>	1937	104

Title or Subject Matter.	Volume.	Page.
FIBRE AND SPONGES ACT, 1909-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
FINANCIAL AGREEMENT ACT, 1927	3	33
AMENDING FINANCIAL AGREEMENT ACT, 1944	1944	112
Financial Agreement <i>see also</i> Supplementary Financial Agreement (Soldiers Settlement Loans).		
FINANCIAL EMERGENCY ACT, 1931-1936	3	46
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1931	3	61
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1934	3	66
FINANCIAL EMERGENCY ACT AMENDMENT ACT, 1937	1937	11
FINANCIAL EMERGENCY ACT EXTENSION ACT, 1939	1939	249
Fingerprints <i>see</i> Evidence : Police Offences.		
FIREARMS ACT, 1958	1958	170
Firearms <i>see also</i> Animals and Birds Protection : Pistol Licence		
FIRE BRIGADES ACT, 1936	3	78
FIRE BRIGADES ACT AMENDMENT ACT, 1938	1938	17
FIRE BRIGADES ACT AMENDMENT ACT, 1942	1942	98
FIRE BRIGADES ACT AMENDMENT ACT, 1944	1944	64
FIRE BRIGADES ACT, 1936-1944 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
FIRE BRIGADES ACT AMENDMENT ACT, 1958.....	1958	16
Fire Fighters <i>see</i> Volunteer Fire Fighters Fund.		
Fires <i>see</i> Bush Fires.		
Fireworks <i>see</i> Criminal Law Consolidation : Police Offences.		
Firms <i>see</i> Companies : Partnership : Registration of Business Names : War Terms Regulation.		
First Offenders <i>see</i> Justices : Offenders Probation.		
FISHERIES ACT, 1917-1935	3	115
FISHERIES ACT AMENDMENT ACT, 1938	1938	29
FISHERIES ACT AMENDMENT ACT (No. 2), 1938	1938	171

Title or Subject Matter.	Volume.	Page.
FISHERIES ACT, 1917-1938 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1938	338
FISHERIES ACT AMENDMENT ACT, 1946	1946	104
FISHERIES ACT AMENDMENT ACT, 1956	1956	67
FISHERIES ACT, 1917-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
FISHERIES ACT AMENDMENT ACT, 1962	1962	99
Fisheries <i>see also</i> Whaling.		
Fishing Boats, Accommodation for <i>see</i> Fisheries.		
Fishing, Loans for <i>see</i> Loans to Producers.		
Fishing Vessels, Control of <i>see</i> Marine.		
Flinders Chase <i>see</i> Fauna and Flora Reserve.		
Flour Prices <i>see</i> Wheat Products Prices.		
FOOD AND DRUGS ACT, 1908-1935	3	139
FOOD AND DRUGS ACT AMENDMENT ACT, 1939	1939	24
FOOD AND DRUGS ACT AMENDMENT ACT, 1943	1943	47
FOOD AND DRUGS ACT AMENDMENT ACT, 1949	1949	242
FOOD AND DRUGS ACT AMENDMENT ACT, 1950.....	1950	22
FOOD AND DRUGS ACT AMENDMENT ACT, 1953	1953	28
FOOD AND DRUGS ACT AMENDMENT ACT, 1954	1954	30
FOOD AND DRUGS ACT, 1908-1954 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
FOOD AND DRUGS ACT AMENDMENT ACT, 1962	1962	36
Food for Stock <i>see</i> Stock Foods.		
FOOT AND MOUTH DISEASE ERADICATION FUND ACT, 1958..	1958	143
Foot and Mouth Disease <i>see also</i> Stock Diseases.		
FOOTWEAR REGULATION ACT, 1920	3	173
FOOTWEAR REGULATION ACT AMENDMENT ACT, 1949	1949	156
FOOTWEAR REGULATION ACT, 1920-1949 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
Foreign Governments <i>see</i> Real Property (Foreign Governments).		
Foreshores <i>see</i> Harbors : Local Government.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
FORESTRY ACT, 1950	1950	40
FORESTRY ACT AMENDMENT ACT, 1956	1956	69
Forestry <i>see also</i> Local Government (Forestry Reserves).		
Fraudulent Conveyances <i>see</i> Law of Property.		
FRIENDLY SOCIETIES ACT, 1919-1936	3	178
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1937	1937	121
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1938	1938	233
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1940	1940	92
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1946	1946	32
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1949	1949	79
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1950	1950	109
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1952	1952	46
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1954	1954	90
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1956	1956	162
FRIENDLY SOCIETIES ACT, 1919-1956 (<i>as reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1956	231
FRIENDLY SOCIETIES ACT AMENDMENT ACT, 1961	1961	66
Friendly Societies <i>see also</i> Early Closing : Homes : Pharmacy : Savings Bank of South Australia.		
Frost Relief <i>see</i> Drought and Frost Relief.		
Fruit <i>see</i> Dried Fruits : Fruit and Vegetables (Grading) : Fruit and Vegetables (Prevention of Injury) : Fruit Cases : Fruit Fly : Liens on Fruit : Oriental Fruit Moth Control : Red Scale Control : Sale of Fruit : San José Scale Control : Vine, Fruit, and Vegetable Protection.		
FRUIT AND VEGETABLES (GRADING) ACT, 1934	3	215
FRUIT AND VEGETABLES (PREVENTION OF INJURY) ACT, 1927	3	221
FRUIT CASES ACT, 1949	1949	125
FRUIT FLY ACT, 1947	1947	12
FRUIT FLY ACT AMENDMENT ACT, 1948	1948	72
FRUIT FLY ACT AMENDMENT ACT, 1949	1949	85

Title or Subject Matter.	Volume.	Page.
FRUIT FLY ACT AMENDMENT ACT, 1950	1950	70
FRUIT FLY ACT AMENDMENT ACT, 1952	1952	22
FRUIT FLY ACT AMENDMENT ACT, 1953	1953	56
FRUIT FLY ACT AMENDMENT ACT, 1955	1955	48
FRUIT FLY (COMPENSATION) ACT, 1954	1954	107
FRUIT FLY (COMPENSATION) ACT, 1956	1956	37
FRUIT FLY (COMPENSATION) ACT, 1957	1957	43
FRUIT FLY (COMPENSATION) ACT, 1958	1958	17
FRUIT FLY (COMPENSATION) ACT, 1959	1959	30
Fruit Moth, Oriental <i>see</i> Oriental Fruit Moth Control.		
Fuel, Liquid <i>see</i> Liquid Fuel.		
Funeral Benefits <i>see</i> Benefit Associations.		
Fungicides <i>see</i> Pest Destroyers.		
Furniture <i>see</i> Sale of Furniture.		
Game <i>see</i> Animals and Birds Protection.		
Gaming <i>see</i> Lottery and Gaming.		
Gaols <i>see</i> Prisons.		
GARDEN SUBURB ACT, 1919-1936.....	3	223
GARDEN SUBURB ACT AMENDMENT ACT, 1960	1960	191
GAS ACT, 1924	3	236
GAS ACT AMENDMENT ACT, 1950	1950	97
GAS ACT AMENDMENT ACT, 1954	1954	7
GAS ACT AMENDMENT ACT, 1955	1955	55
GAS ACT, 1924-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
GAS ACT AMENDMENT ACT, 1961	1961	68
Gas <i>see also</i> South Australian Gas Company.		
Gas, Natural <i>see</i> Mining (Petroleum).		
Gas, Petroleum <i>see</i> Liquefied Petroleum Gas.		
Gas Producers <i>see</i> Bush Fires.		

Title or Subject Matter.	Volume.	Page.
Gas Rationing <i>see</i> Coal.		
Gasworks <i>see</i> Local Government.		
GENERAL TRAMWAYS ACT, 1884-1935	3	264
Gifts <i>see</i> Stamp Duties : Succession Duties.		
GOLD BUYERS ACT, 1916-1935	3	294
GOODS (TRADE DESCRIPTIONS) ACT, 1935	3	315
Goods <i>see also</i> Prices : Sale of Goods : Textile Products Description : Trading Stamps.		
GOVERNMENT HOUSE DOMAIN DEDICATION ACT, 1927-1935..	3	325
Government House Domain <i>see also</i> National Soldiers Memorial.		
Government Printer <i>see</i> Evidence.		
Governor <i>see</i> Constitution.		
Graft from Body of Deceased Person <i>see</i> Anatomy.		
Grain <i>see</i> Bulk Handling of Grain.		
Grasshoppers <i>see</i> Noxious Insects.		
GUARDIANSHIP OF INFANTS ACT, 1940	1940	186
Guarantee, Contracts of <i>see</i> Mercantile Law.		
Gun Licences <i>see</i> Animals and Birds Protection : Fire- arms.		
Habitual Criminals <i>see</i> Criminal Law Consolidation.		
HAIRDRESSERS REGISTRATION ACT, 1939	1939	161
HAIRDRESSERS REGISTRATION ACT AMENDMENT ACT, 1946	1946	128
HAIRDRESSERS REGISTRATION ACT AMENDMENT ACT, 1951	1951	100
HALLETT COVE TO PORT STANVAC RAILWAY ACT, 1959 ..	1959	32
Hansard <i>see</i> Wrongs.		
HARBORS ACT, 1936	3	333
HARBORS ACT AMENDMENT ACT, 1943	1943	26
HARBORS ACT AND MARINE ACT AMENDMENT ACT, 1947	1947	43
HARBORS ACT AMENDMENT ACT, 1950	1950	172
HARBORS ACT AMENDMENT ACT, 1953	1953	87
HARBORS ACT AMENDMENT ACT, 1955	1955	155

Table of Public General Acts.

581

Title or Subject Matter.	Volume.	Page.
HARBORS ACT AMENDMENT ACT, 1962	1962	103
Harbors for Fishing Boats <i>see</i> Fisheries.		
Harmac (Australia) Limited <i>see</i> Pulp and Paper Mill (Hundred of Gambier) Indenture.		
HAWKERS ACT, 1934	3	425
HAWKERS ACT AMENDMENT ACT, 1941	1941	12
HAWKERS ACT AMENDMENT ACT, 1948	1948	187
HAWKERS ACT AMENDMENT ACT, 1960	1960	165
Hay <i>see</i> Chaff and Hay : Chaff and Hay (Acquisition) : Drought Relief.		
HEALTH ACT, 1935-1936.....	3	432
HEALTH ACT AMENDMENT ACT, 1940	1940	93
HEALTH ACT AMENDMENT ACT, 1941	1941	128
HEALTH ACT AMENDMENT ACT, 1943	1943	27
HEALTH ACT AMENDMENT ACT, 1947	1947	139
HEALTH ACT AMENDMENT ACT, 1950	1950	34
HEALTH ACT AMENDMENT ACT (No. 2), 1950	1950	114
HEALTH ACT AMENDMENT ACT, 1951	1951	102
HEALTH ACT AMENDMENT ACT, 1952	1952	31
HEALTH ACT AMENDMENT ACT, 1953	1953	45
HEALTH ACT AMENDMENT ACT, 1954	1954	33
HEALTH ACT AMENDMENT ACT, 1955	1955	87
HEALTH ACT, 1935-1955 (<i>As reprinted pursuant to the Amend- ments Incorporation Act, 1937</i>).....	1955	267
HEALTH ACT AMENDMENT ACT, 1956	1956	71
HEALTH ACT AMENDMENT ACT, 1959	1959	163
HEALTH ACT AMENDMENT ACT, 1960	1960	16
HEALTH ACT AMENDMENT ACT, 1961	1961	70
HEALTH ACT, 1935-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
<i>The Health Act, 1935-1936, has also been amended by the Noxious Trades Act, 1943, and the Statute Law Revision Act, 1957.</i>		
Health <i>see also</i> Commonwealth Powers: Health and Medical Services: Tuberculosis (Commonwealth Arrangement).		
HEALTH AND MEDICAL SERVICES ACT, 1949	1949	237
Helium <i>see</i> Mining (Petroleum).		
HIDE AND LEATHER INDUSTRIES LEGISLATION REPEAL ACT, 1956	1956	15
HIDE, SKIN, AND WOOL DEALERS ACT, 1915-1935	3	476
HIDE, SKIN, AND WOOL DEALERS ACT AMENDMENT ACT, 1959	1959	34
HIGHWAYS ACT, 1926-1936	3	483
HIGHWAYS ACT AMENDMENT ACT, 1937	1937	40
HIGHWAYS ACT AMENDMENT ACT, 1938	1938	14
HIGHWAYS ACT AMENDMENT ACT, 1944	1944	161
HIGHWAYS ACT AMENDMENT ACT, 1949	1949	10
HIGHWAYS ACT AMENDMENT ACT, 1953	1953	136
HIGHWAYS ACT AMENDMENT ACT, 1954	1954	111
HIGHWAYS ACT AMENDMENT ACT, 1955	1955	102
HIGHWAYS ACT AMENDMENT ACT, 1960	1960	97
HIGHWAYS ACT, 1926-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Highways Act, 1926-1936, has also been amended by the Loans for Water Conservation Act, 1948.</i>		
HIRE-PURCHASE AGREEMENTS ACT, 1960	1960	262
HIRE-PURCHASE AGREEMENTS ACT AMENDMENT ACT, 1962	1962	105
Hire-Purchase Agreements, Stamp Duties on, <i>see</i> Stamp Duties.		
THE HOLIDAYS ACT, 1910-1935	3	519
HOLIDAYS ACT AMENDMENT ACT, 1947	1947	8
THE HOLIDAYS ACT, 1910-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
HOLIDAYS ACT AMENDMENT ACT, 1958	1958	120

Table of Public General Acts.

583

Title or Subject Matter.	Volume.	Page.
HOLIDAYS ACT AMENDMENT ACT, 1959	1959	58
Homes, Advances for <i>see</i> Advances for Homes : Advances to Settlers : Building Societies : Homes : Housing Agreement.		
HOMES ACT, 1941	1941	131
HOMES ACT AMENDMENT ACT, 1947	1947	18
HOMES ACT AMENDMENT ACT, 1949	1949	64
HOMES ACT AMENDMENT ACT, 1950	1950	85
HOMES ACT AMENDMENT ACT, 1951	1951	31
HOMES ACT AMENDMENT ACT, 1952	1952	110
HOMES ACT AMENDMENT ACT, 1956	1956	41
HOMES ACT AMENDMENT ACT, 1957	1957	46
HOMES ACT, 1941-1957 (<i>As reprinted pursuant to the Amend- ments Incorporation Act, 1957</i>)	1957	218
HOMES ACT AMENDMENT ACT, 1958	1958	84
HOMES ACT AMENDMENT ACT, 1962	1962	57
HOMESTEAD ACT, 1895-1935	3	522
Homing Pigeons <i>see</i> Police Offences.		
HONEY MARKETING ACT, 1949	1949	100
HONEY MARKETING ACT AMENDMENT ACT, 1953	1953	127
HONEY MARKETING ACT AMENDMENT ACT, 1959	1959	10
HOSPITALS ACT, 1934	3	531
HOSPITALS ACT AMENDMENT ACT, 1941.....	1941	23
HOSPITALS ACT AMENDMENT ACT, 1951	1951	60
HOSPITALS ACT AMENDMENT ACT, 1952.....	1952	50
HOSPITALS ACT AMENDMENT ACT, 1958.....	1958	182
HOSPITALS ACT AMENDMENT ACT, 1959.....	1959	134
HOSPITALS ACT AMENDMENT ACT, 1961.....	1961	72
HOSPITALS ACT, 1934-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
HOSPITALS ACT AMENDMENT ACT, 1962.....	1962	37
HOSPITAL BENEFITS ACT, 1945.....	1945	72
HOSPITAL BENEFITS (AMENDING AGREEMENT) ACT, 1948 .	1948	164
Hospital Benefits <i>see also</i> Benefit Associations : Mental Institutions Benefits : Tuberculosis (Commonwealth Arrangement).		
Hospitals, Establishment and Licensing of <i>see</i> Health : Local Government : Maintenance : Mental Defectives.		
Hostels <i>see</i> Student Hostels (Advances)		
Housing <i>see</i> Advances for Homes : Advances to Settlers : Building Operations : Building Societies : Commonwealth and State Housing Agreement : Country Housing : Homes : Housing Agreement : Housing Improvement : Housing Loans Redemption Fund : Irrigation : South Australian Housing Trust.		
HOUSING AGREEMENT ACT, 1956	1956	20
HOUSING AGREEMENT ACT, 1961	1961	44
HOUSING IMPROVEMENT ACT, 1940	1940	192
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1942	1942	45
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1943	1943	50
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1946	1946	131
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1947	1947	48
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1950	1950	53
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1958	1958	184
HOUSING IMPROVEMENT ACT, 1940-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
HOUSING IMPROVEMENT ACT AMENDMENT ACT, 1961	1961	49
HOUSING LOANS REDEMPTION FUND ACT, 1962	1962	59
Human Blood, Sale of <i>see</i> Sale of Human Blood.		
IMMIGRATION ACT, 1923-1935	3	554
IMMIGRATION ACT AMENDMENT ACT, 1937	1937	14
IMMIGRATION ACT, 1923-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
IMPOUNDING ACT, 1920-1935	3	563

Title or Subject Matter.	Volume.	Page.
IMPOUNDING ACT AMENDMENT ACT, 1938	1938	129
IMPOUNDING ACT AMENDMENT ACT, 1947	1947	19
IMPOUNDING ACT, 1920-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).	—	—
IMPOUNDING ACT AMENDMENT ACT, 1962	1962	66
IMPRINT ACT, 1951	1951	36
Imprisonment for Debt <i>see</i> Debtors		
INCOME TAX ASSESSMENT ACT, 1936	3	593
INCOME TAX ASSESSMENT ACT AMENDMENT ACT, 1941.....	1941	138
INCOME TAX ASSESSMENT ACT, 1936-1941 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	1941	251
INCOME TAX ASSESSMENT ACT AMENDMENT ACT, 1946 ...	1946	174
INCOME TAX COLLECTION ACT, 1940.....	1940	132
INCOME TAX (RATES) ACT, 1936	3	698
INCOME TAX (RATES) ACT, 1937	1937	42
INCOME TAX (RATES) ACT, 1938	1938	74
INCOME TAX (RATES) ACT, 1939	1939	40
INCOME TAX (RATES) ACT, 1940	1940	48
INCOME TAX (RATES) ACT, 1941	1941	26
INCOME TAX SUSPENSION ACT, 1942.....	1942	73
<i>The Income Tax Suspension Act, 1942, has been amended by the Income Tax Assessment Act Amendment Act, 1946.</i>		
INCOME TAX (WAR-TIME CONCESSIONS) ACT, 1940	1940	96
Indecent Publications <i>see</i> Police Offences.		
Indentures of Apprenticeship <i>see</i> Apprentices.		
INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1923-1935....	3	703
INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT ACT, 1952	1952	56
INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT ACT, 1954	1954	48
INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT ACT, 1958	1958	82

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
INDUSTRIAL AND PROVIDENT SOCIETIES ACT, 1923-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
INDUSTRIAL CODE, 1920-1936	3	733
INDUSTRIAL CODE AMENDMENT ACT, 1943	1943	87
INDUSTRIAL CODE AMENDMENT ACT, 1947	1947	143
INDUSTRIAL CODE AMENDMENT ACT, 1948	1948	92
INDUSTRIAL CODE AMENDMENT ACT, 1949	1949	230
INDUSTRIAL CODE AMENDMENT ACT, 1950	1950	55
INDUSTRIAL CODE AMENDMENT ACT (No. 2), 1950	1950	135
INDUSTRIAL CODE AMENDMENT ACT, 1951	1951	25
INDUSTRIAL CODE AMENDMENT ACT (No. 3), 1951	1951	55
INDUSTRIAL CODE AMENDMENT ACT, 1955	1955	68
INDUSTRIAL CODE AMENDMENT ACT (No. 2), 1955	1955	157
INDUSTRIAL CODE AMENDMENT ACT, 1958	1958	128
INDUSTRIAL CODE, 1920-1960. (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Industrial Code, 1920-1936, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, by the Statutes Amendment (Public Salaries) Act, 1959 and by the Statutes Amendment (Public Salaries) Act (No. 2), 1960</i>		
Industrial Court, Jurisdiction over Motor Drivers <i>see</i> Road and Railway Transport.		
Industrial Diseases <i>see</i> Workmen's Compensation.		
Industrial Districts <i>see</i> Manufacturing Industries Protection : Noxious Trades.		
INDUSTRIES DEVELOPMENT ACT, 1941	1941	106
INDUSTRIES DEVELOPMENT ACT AMENDMENT ACT, 1943...	1943	53
INDUSTRIES DEVELOPMENT ACT AMENDMENT ACT, 1947 ..	1947	147
INDUSTRIES DEVELOPMENT ACT AMENDMENT ACT, 1949 ..	1949	159
INDUSTRIES DEVELOPMENT ACT AMENDMENT ACT, 1951 ..	1951	77
INDUSTRIES DEVELOPMENT ACT AMENDMENT ACT, 1958 .	1958	149

Title or Subject Matter.	Volume.	Page.
Industries Encouragement <i>see</i> Commonwealth Powers : Industries Development : Industries Establishment : Native Industries Encouragement.		
INDUSTRIES ESTABLISHMENT ACT, 1945	1945	62
Inebriates <i>see</i> Aged and Infirm Persons' Property : Alcohol and Drug Addicts (Treatment) : Licensing.		
Infants, Guardianship of <i>see</i> Guardianship of Infants.		
Infants' Property <i>see</i> Administration and Probate : Law of Property : Moneylenders.		
INFECTIOUS DISEASES HOSPITAL TRANSFER ACT, 1947 ...	1947	92
INFLAMMABLE LIQUIDS ACT, 1961	1961	20
Inheritance <i>see</i> Administration and Probate : Adoption of Children : Law of Property.		
THE INNKEEPERS ACT, 1888-1935	4	32
Inquests <i>see</i> Bush Fires : Coroners : Fire Brigades.		
Inquiry Agents <i>see</i> Bailiffs and Inquiry Agents Licensing.		
Insecticides <i>see</i> Pest Destroyers.		
Insemination of Stock <i>see</i> Artificial Breeding : Stock Diseases.		
Insolvency <i>see</i> Table of Public Acts of Restricted Application.		
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT, 1937	1937	109
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT ACT, 1944	1944	12
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT, 1937-1944 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE (SUBSIDY) ACT, 1942	1942	76
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE GRANT ACT, 1948	1948	207
INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT ACT, 1962	1962	38
Institute of Technology <i>see</i> School of Mines and Indus- tries.		
Institutes <i>see</i> Libraries and Institutes.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
Insurance <i>see</i> Fire Brigades: Insurance Companies (Deposits): Road Traffic.		
Insurance, Third Party <i>see</i> Motor Vehicles.		
INTEREST ON CROWN ADVANCES AND LEASES ACT, 1944....	1944	29
INTEREST ON CROWN ADVANCES AND LEASES ACT AMENDMENT ACT, 1951.....	1951	79
Interest Rates <i>see</i> Commonwealth Powers.		
INTER-STATE DESTITUTE PERSONS RELIEF ACT, 1910-1934	4	41
INTER-STATE DESTITUTE PERSONS RELIEF ACT AMENDMENT ACT, 1943	1943	29
INTER-STATE DESTITUTE PERSONS RELIEF ACT AMENDMENT ACT, 1955	1955	90
INTER-STATE DESTITUTE PERSONS RELIEF ACT AMENDMENT ACT, 1958	1958	30
INTER-STATE DESTITUTE PERSONS RELIEF ACT, 1910-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Inter-State Motor Vehicles <i>see</i> Road and Railway Transport: Road Traffic.		
Intestate Estates <i>see</i> Administration and Probate.		
Irradiating Apparatus <i>see</i> Health.		
IRRIGATION ACT, 1930-1936	4	56
IRRIGATION ACT AMENDMENT ACT, 1941	1941	150
IRRIGATION ACT AMENDMENT ACT, 1945	1945	75
IRRIGATION ACT AMENDMENT ACT, 1946	1946	176
IRRIGATION ON PRIVATE PROPERTY ACT, 1939	1939	225
IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT ACT, 1949	1949	5
IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT ACT, 1958	1958	130
IRRIGATION ON PRIVATE PROPERTY ACT, 1939-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Irrigation <i>see also</i> Lower River Broughton Irrigation Trust: Renmark Irrigation Trust: Water Rates Remission.		
Jervois Bridge <i>see</i> Highways.		
Jetties <i>see</i> Harbors: Local Government.		

Table of Public General Acts.

589

Title or Subject Matter.	Volume.	Page.
JOINT HOUSE COMMITTEE ACT, 1941	1941	163
Judges' Pensions <i>see</i> Industrial : Supreme Court.		
Judgments, Reciprocal Enforcement of <i>see</i> Administration of Justice.		
Judicial Separation <i>see</i> Maintenance : Matrimonial Causes.		
Judiciary <i>see</i> Constitution : Supreme Court.		
JURIES ACT, 1927	4	112
JURIES ACT AMENDMENT ACT, 1937	1937	54
JURIES ACT, 1927-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Juries Act, 1927, has also been amended by the Statute Law Revision Act, 1957.</i>		
JUSTICES ACT, 1921-1936	4	138
JUSTICES ACT AMENDMENT ACT, 1943	1943	57
JUSTICES ACT AMENDMENT ACT, 1956	1956	219
JUSTICES ACT AMENDMENT ACT, 1957	1957	97
JUSTICES ACT AMENDMENT ACT, 1960	1960	42
JUSTICES ACT, 1921-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Justices of the Peace <i>see</i> Justices : Sex Disqualification (Removal).		
JUVENILE COURTS ACT, 1941	1941	38
Kerosene <i>see</i> Inflammable Liquids.		
KIDNAPPING ACT, 1960	1960	194
KINGSTON AND NARACOORTE RAILWAY ALTERATION ACT, 1958	1958	19
Laboratories for Mineral Development <i>see</i> Australian Mineral Development Laboratories.		
Land Acquisition <i>see</i> Compulsory Acquisition of Land: Lands for Public Purposes Acquisition.		
LAND AGENTS ACT, 1955	1955	231
LAND AGENTS ACT AMENDMENT ACT, 1959	1959	37
LAND AGENTS ACT AMENDMENT ACT, 1960	1960	17

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
LAND AGENTS ACT, 1955-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Land Brokers <i>see</i> Real Property.		
LANDLORD AND TENANT ACT, 1936	4	241
Landlord and Tenant <i>see also</i> Agricultural Holdings: Economic Stability: Excessive Rents: Housing Improvement: Landlord and Tenant (Control of Rents).		
LANDLORD AND TENANT (CONTROL OF RENTS) ACT, 1942 ..	1942	101
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1946	1946	179
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1947	1947	78
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1948	1948	35
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1949	1949	21
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT (No. 2), 1949	1949	226
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1950	1950	147
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1951.....	1951	143
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1952	1952	111
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1953	1953	63
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1954	1954	113
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1955	1955	64
LANDLORD AND TENANT (CONTROL OF RENTS) ACT, 1942-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1955	324
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1956	1956	118
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1957	1957	6

Title or Subject Matter.	Volume.	Page.
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT (No. 2), 1957	1957	157
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1958	1958	186
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1959	1959	136
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1960	1960	299
LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT ACT, 1961	1961	74
Land Prices <i>see</i> Prices.		
Land Salesmen <i>see</i> Land Agents.		
LAND SETTLEMENT ACT, 1944	1944	166
LAND SETTLEMENT ACT AMENDMENT ACT, 1948.....	1948	208
LAND SETTLEMENT ACT AMENDMENT ACT, 1949	1949	204
LAND SETTLEMENT ACT AMENDMENT ACT, 1951	1951	15
LAND SETTLEMENT ACT AMENDMENT ACT, 1952	1952	16
LAND SETTLEMENT ACT AMENDMENT ACT, 1955	1955	101
LAND SETTLEMENT ACT AMENDMENT ACT, 1957	1957	66
LAND SETTLEMENT ACT AMENDMENT ACT, 1958.....	1958	122
LAND SETTLEMENT ACT AMENDMENT ACT, 1959	1959	17
LAND SETTLEMENT ACT AMENDMENT ACT, 1961	1961	52
<i>The Land Settlement Act, 1944, has also been amended by the Statutes Amendment (Public Salaries) Act, 1960</i>		
Land Settlement <i>see also</i> Crown Lands : Crown Lands Development : Eyre Peninsula Land Purchase : Land Settlement (Development Leases) : Livestock (War Service Land Settlement) : War Service Land Settlement Agreement.		
LAND SETTLEMENT (DEVELOPMENT LEASES) ACT, 1949....	1949	17
THE LANDS FOR PUBLIC PURPOSES ACQUISITION ACT, 1914-1935	4	269
LAND TAX ACT, 1936	4	274

Title or Subject Matter.	Volume.	Page.
LAND TAX ACT AMENDMENT ACT, 1942	1942	118
LAND TAX ACT AMENDMENT ACT, 1948	1948	94
LAND TAX ACT AMENDMENT ACT, 1952	1952	132
LAND TAX ACT AMENDMENT ACT, 1961	1961	21
LAND TAX ACT, 1936-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1961	348
Land Transactions, Control of <i>see</i> Prices.		
LAW COURTS (MAINTENANCE OF ORDER) ACT, 1928	4	302
LAW OF PROPERTY ACT, 1936	4	305
LAW OF PROPERTY ACT AMENDMENT ACT, 1945	1945	64
LAW OF PROPERTY ACT AMENDMENT ACT, 1956	1956	42
LAW OF PROPERTY ACT AMENDMENT ACT, 1958.....	1958	33
LAW OF PROPERTY ACT AMENDMENT ACT, 1960.....	1960	32
LAW OF PROPERTY ACT, 1936-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Law Society <i>see</i> Legal Practitioners: Poor Persons Legal Assistance.		
Leave, Long Service <i>see</i> Long Service Leave.		
LEGAL PRACTITIONERS ACT, 1936	4	354
LEGAL PRACTITIONERS ACT AMENDMENT ACT, 1938.....	1938	83
LEGAL PRACTITIONERS ACT AMENDMENT ACT, 1943	1943	33
LEGAL PRACTITIONERS ACT AMENDMENT ACT, 1948	1948	197
LEGAL PRACTITIONERS ACT, 1936-1948 (<i>As reprinted pur- suant to the Amendments Incorporation Act, 1937</i>)	—	—
Legislature <i>see</i> Constitution.		
Legitimation <i>see</i> Births and Deaths Registration.		
Leigh Creek Coal <i>see</i> Electricity Trust of South Australia		
LEIGH CREEK NORTH COALFIELD TO MARREE RAILWAY AGREEMENT ACT, 1954	1954	118
Leigh Creek Town Lands <i>see</i> Crown Lands.		
LEVI PARK ACT, 1948	1948	115
Libel <i>see</i> Wrongs.		

Table of Public General Acts.

593

Title or Subject Matter.	Volume.	Page.
LIBRARIES AND INSTITUTES ACT, 1939	1939	280
LIBRARIES AND INSTITUTES ACT AMENDMENT ACT, 1946 ...	1946	182
LIBRARIES AND INSTITUTES ACT AMENDMENT ACT, 1948 .	1948	141
LIBRARIES AND INSTITUTES ACT AMENDMENT ACT, 1950 .	1950	46
LIBRARIES AND INSTITUTES ACT, 1939-1950 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
LIBRARIES (SUBSIDIES) ACT, 1955	1955	144
LIBRARIES (SUBSIDIES) ACT AMENDMENT ACT, 1958	1958	69
Licensed Land Brokers <i>see</i> Real Property.		
LICENSING ACT, 1932-1936	4	375
LICENSING ACT AMENDMENT ACT, 1945	1945	110
LICENSING ACT AMENDMENT ACT, 1949	1949	228
LICENSING ACT AMENDMENT ACT, 1953	1953	86
LICENSING ACT AMENDMENT ACT, 1954	1954	150
LICENSING ACT AMENDMENT ACT, 1960	1960	196
LICENSING ACT, 1932-1960. (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Licensing Act, 1932-1936, has also been amended by the Statute Law Revision Act, 1957, and the Aboriginal Affairs Act, 1962.</i>		
Licensing <i>see also</i> Community Hotels (Incorporation) :		
Liquor Licences (Acquired Properties).		
Licks for Stock <i>see</i> Stock Medicines.		
Liens for Freight <i>see</i> Mercantile Law.		
Liens of Unpaid Vendors <i>see</i> Mercantile Law : Sale of Goods.		
LIENS ON FRUIT ACT, 1923-1932	4	542
Liens on Wool <i>see</i> Stock Mortgages and Wool Liens.		
Liens, Warehousemen's <i>see</i> Warehousemen's Liens.		
Liens, Workmen's <i>see</i> Workmen's Liens.		
Life Assurance <i>see</i> Table of Public Acts of Restricted Application.		
LIFTS ACT, 1960	1960	204
Lights on Vehicles <i>see</i> Road Traffic.		

Title or Subject Matter.	Volume.	Page.
LIMITATION OF ACTIONS ACT, 1936	4	582
LIMITATION OF ACTIONS ACT AMENDMENT ACT, 1948	1948	199
LIMITATION OF ACTIONS AND WRONGS ACTS AMENDMENT ACT, 1956	1956	44
LIMITATION OF ACTIONS ACT AMENDMENT ACT, 1959	1959	101
LIMITATION OF ACTIONS ACT, 1936-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
LIQUID FUEL ACT, 1941	1941	75
LIQUID FUEL ACT, 1949	1949	87
Liquid, Inflammable <i>see</i> Inflammable Liquids.		
LIQUEFIED PETROLEUM GAS ACT, 1960	1960	212
LIQUOR LICENCES (ACQUIRED PROPERTIES) ACT, 1948 ...	1948	214
LIVESTOCK (WAR SERVICE LAND SETTLEMENT) ACT, 1947	1947	96
Living Wage <i>see</i> Economic Stability : Industrial.		
Loan Acts <i>see</i> Table of Public Acts of Restricted Application.		
Loan Council <i>see</i> Financial Agreement.		
LOAN MONEY APPROPRIATION (WORKING ACCOUNTS) ACT, 1956	1956	39
LOANS FOR FENCING AND WATER PIPING ACT, 1938	1938	98
LOANS FOR FENCING AND WATER PIPING ACT AMENDMENT ACT, 1940	1940	135
LOANS FOR FENCING AND WATER PIPING ACT AMENDMENT ACT, 1945	1945	27
LOANS FOR FENCING AND WATER PIPING ACT AMENDMENT ACT, 1952	1952	97
LOANS FOR WATER CONSERVATION ACT, 1948	1948	170
Loan Fund Account <i>see</i> Public Finance.		
LOANS TO PRODUCERS ACT, 1927	4	616
LOANS TO PRODUCERS ACT AMENDMENT ACT, 1946	1946	53
LOANS TO PRODUCERS ACT AMENDMENT ACT, 1951	1951	32

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
LOANS TO PRODUCERS ACT, 1927-1951 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
LOANS TO PRODUCERS ACT AMENDMENT ACT, 1962	1962	71
Local Acts <i>see</i> Table of Public Acts of Restricted Application.		
LOCAL COURTS ACT, 1926-1936.....	4	623
LOCAL COURTS ACT AMENDMENT ACT, 1947	1947	119
LOCAL COURTS ACT AMENDMENT ACT, 1956	1956	154
LOCAL COURTS ACT AMENDMENT ACT, 1959	1959	113
LOCAL COURTS ACT, 1926-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
LOCAL COURTS ACT AMENDMENT ACT, 1962	1962	39
LOCAL ELECTRICITY UNDERTAKINGS (SECURITIES FOR LOANS) ACT, 1950	1950	176
LOCAL GOVERNMENT ACT, 1934-1936	5	1
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1938... ..	1938	201
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1939	1939	263
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1941.....	1941	52
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1946.....	1946	55
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1948.....	1948	21
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1949.....	1949	208
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1951	1951	111
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1952.....	1952	51
LOCAL GOVERNMENT ACT AMENDMENT ACT (No. 2), 1952..	1952	137
LOCAL GOVERNMENT ACT AMENDMENT ACT (No. 1), 1954..	1954	40
LOCAL GOVERNMENT ACT AMENDMENT ACT (No. 2), 1954	1954	158
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1956-1957 ..	1957	1
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1957.....	1957	161
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1959.....	1959	104
LOCAL GOVERNMENT ACT AMENDMENT ACT (No. 2), 1959	1959	180

Title or Subject Matter.	Volume.	Page.
LOCAL GOVERNMENT ACT, 1934-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
LOCAL GOVERNMENT ACT AMENDMENT ACT, 1961.....	1961	76
<i>The Local Government Act, 1934-1936, has also been amended by the Highways Act Amendment Act, 1938, the Weights and Measures Act Amendment Act, 1939, the Noxious Trades Act, 1943, and the Statute Law Revision Act, 1957.</i>		
Local Government <i>see also</i> Garden Suburb : Renmark Irrigation Trust : Whyalla Town Commission.		
Local Government By-laws, Offences Against, <i>see</i> Police Offences.		
LOCAL GOVERNMENT (CITY OF ENFIELD LOAN) ACT, 1953..	1953	88
LOCAL GOVERNMENT (CITY OF ENFIELD LOAN) ACT AMENDMENT ACT, 1961	1961	27
LOCAL GOVERNMENT (FORESTRY RESERVES) ACT, 1944 ..	1944	77
Local Option <i>see</i> Licensing.		
Lockouts <i>see</i> Industrial.		
Lodgers' Protection <i>see</i> Landlord and Tenant.		
Lodging Houses <i>see</i> Health : Local Government.		
LONG SERVICE LEAVE ACT, 1957.....	1957	130
LOTTERY AND GAMING ACT, 1936	5	401
LOTTERY AND GAMING ACT AMENDMENT ACT, 1938.....	1938	40
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 2), 1938	1938	159
LOTTERY AND GAMING ACT AMENDMENT ACT, 1939	1939	45
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 2), 1939	1939	38
LOTTERY AND GAMING ACT AMENDMENT ACT, 1943	1943	23
LOTTERY AND GAMING ACT AMENDMENT ACT, 1945.....	1945	202
LOTTERY AND GAMING ACT AMENDMENT ACT, 1947.....	1947	98
LOTTERY AND GAMING ACT AMENDMENT ACT, 1948.....	1948	201
LOTTERY AND GAMING ACT AMENDMENT ACT, 1949.....	1949	65
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 1), 1950	1950	104
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 2), 1950	1950	198
LOTTERY AND GAMING ACT AMENDMENT ACT (No. 3), 1950	1950	201

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
LOTTERY AND GAMING ACT AMENDMENT ACT, 1953.....	1953	125
LOTTERY AND GAMING ACT AMENDMENT ACT, 1954.....	1954	174
LOTTERY AND GAMING ACT AMENDMENT ACT, 1955.....	1955	124
LOTTERY AND GAMING ACT AMENDMENT ACT, 1956.....	1956	121
LOTTERY AND GAMING ACT, 1936-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1959	273
LOTTERY AND GAMING (CHARITABLE PURPOSES) ACT, 1959	1959	117
LOTTERY AND GAMING (FLOOD RELIEF) ACT, 1956 Lottery and Gaming <i>see also</i> Prohibited Areas (Application of State Laws).	1956	16
LOWER RIVER BROUGHTON IRRIGATION TRUST ACT, 1938.	1938	235
LOWER RIVER BROUGHTON IRRIGATION TRUST ACT AMENDMENT ACT, 1940	1940	139
Lunacy <i>see</i> Mental Defectives.		
Lyrup Village Settlement <i>see</i> Crown Lands.		
Main Roads <i>see</i> Highways.		
MAINTENANCE ACT, 1926-1936	5	461
MAINTENANCE ACT, 1937	1937	63
MAINTENANCE ACT AMENDMENT ACT, 1937	1937	132
MAINTENANCE ACT, 1926-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1937	137
MAINTENANCE ACT AMENDMENT ACT, 1941	1941	189
MAINTENANCE ACT AMENDMENT ACT, 1946	1946	185
MAINTENANCE ACT AMENDMENT ACT, 1948	1948	203
MAINTENANCE ACT AMENDMENT ACT, 1950	1950	87
MAINTENANCE ACT AMENDMENT ACT, 1952	1952	98
MAINTENANCE ACT AMENDMENT ACT, 1957	1957	85
MAINTENANCE ACT AMENDMENT ACT, 1958	1958	189
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1922-1925	5	543
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT AMENDMENT ACT, 1953	1953	47

Title or Subject Matter.	Volume.	Page.
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT AMENDMENT ACT, 1955	1955	93
MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1922-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Maintenance Orders <i>see also</i> Inter-State Destitute Persons Relief.		
MANNINGHAM RECREATION GROUND ACT, 1936	5	550
Manufacturing Areas <i>see</i> Manufacturing Industries Protection: Noxious Trades.		
MANUFACTURING INDUSTRIES PROTECTION ACT, 1937	1937	52
Manures <i>see</i> Agricultural Chemicals.		
MARGARINE ACT, 1939	1939	217
MARGARINE ACT AMENDMENT ACT, 1940	1940	98
MARGARINE ACT AMENDMENT ACT, 1941.....	1941	194
MARGARINE ACT AMENDMENT ACT, 1948.....	1948	100
MARGARINE ACT, 1939-1948 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
MARGARINE ACT AMENDMENT ACT, 1952	1952	95
MARGARINE ACT AMENDMENT ACT, 1956	1956	76
MARGINAL LANDS ACT, 1940.....	1940	140
Marginal Lands <i>see also</i> Crown Lands.		
MARINE ACT, 1936	5	556
HARBORS ACT AND MARINE ACT AMENDMENT ACT, 1947 .	1947	43
MARINE ACT AMENDMENT ACT, 1957	1957	127
MARINE ACT AMENDMENT ACT, 1962	1962	534
THE MARINE STORES ACT, 1898-1935	5	624
MARINE STORES ACT AMENDMENT ACT, 1947	1947	34
THE MARINE STORES ACT, 1898-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—

Title or Subject Matter.	Volume.	Page.
MARINE STORES ACT AMENDMENT ACT, 1958.....	1958	35
Marketing <i>see</i> Barley Marketing: Citrus Marketing: Commonwealth Powers: Dried Fruits: Honey Marketing: Marketing of Eggs: Potato Marketing: Wheat Industry Stabilization.		
MARKETING OF EGGS ACT, 1941	1941	168
MARKETING OF EGGS ACT AMENDMENT ACT, 1942	1942	5
MARKETING OF EGGS ACT AMENDMENT ACT, 1945	1945	135
MARKETING OF EGGS ACT AMENDMENT ACT, 1949	1949	9
MARKETING OF EGGS ACT AMENDMENT ACT, 1954	1954	20
MARKETING OF EGGS ACT AMENDMENT ACT, 1957	1957	27
MARKETING OF EGGS ACT AMENDMENT ACT, 1959	1959	44
MARKETING OF EGGS ACT, 1941-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
THE MARKETS CLAUSES ACT, 1870-1935	5	639
THE MARKETS CLAUSES ACT AMENDMENT ACT, 1937	1937	105
MARKET CLAUSES ACT AMENDMENT ACT, 1956	1956	79
THE MARKETS CLAUSES ACT, 1870-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Marital Coercion <i>see</i> Criminal Law Consolidation.		
MARRIAGE ACT, 1936	5	653
MARRIAGE ACT AMENDMENT ACT, 1941	1941	62
MARRIAGE ACT AMENDMENT ACT, 1944	1944	13
MARRIAGE ACT, 1936-1944 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1944	214
MARRIAGE ACT AMENDMENT ACT, 1950	1950	61
MARRIAGE ACT, 1936-1950 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
MARRIAGE ACT AMENDMENT ACT, 1957	1957	53
MARRIAGE ACT AMENDMENT ACT, 1961	1961	83
Married Women's Property <i>see</i> Law of Property.		
Married Women's Protection <i>see</i> Maintenance.		
Masseurs <i>see</i> Physiotherapists.		

Title or Subject Matter.	Volume.	Page.
THE MASTERS AND SERVANTS ACT, 1878-1935	5	683
Matches <i>see</i> Bush Fires: Industrial: Local Government: White Phosphorus Matches Prohibition.		
Maternity Homes, Licensing of <i>see</i> Health.		
MATRIMONIAL CAUSES ACT, 1929-1936	5	693
MATRIMONIAL CAUSES ACT AMENDMENT ACT, 1938	1938	278
MATRIMONIAL CAUSES ACT AMENDMENT ACT, 1941	1941	245
MATRIMONIAL CAUSES ACT, 1929-1941 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)		—
Matrimonial Causes, Restriction on Publication of Reports of <i>see</i> Police Offences.		
Mechanical Coursing <i>see</i> Coursing Restriction.		
Medical Benefits <i>see</i> Benefit Associations.		
MEDICAL PRACTITIONERS ACT, 1919-1935	5	729
MEDICAL PRACTITIONERS ACT AMENDMENT ACT, 1946 ...	1946	186
MEDICAL PRACTITIONERS ACT AMENDMENT ACT, 1950 ...	1950	119
MEDICAL PRACTITIONERS ACT, 1919-1950 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
MEDICAL PRACTITIONERS ACT AMENDMENT ACT, 1954 ...	1954	11
MEDICAL PRACTITIONERS ACT AMENDMENT ACT, 1955 ...	1955	121
Medical Practitioners <i>see also</i> Chiropractic: Physiotherapists.		
Medical Science <i>see</i> Institute of Medical and Veterinary Science.		
Medical Services <i>see</i> Health and Medical Services.		
Medical Treatment of Children <i>see</i> Emergency Medical Treatment of Children.		
Medicines for Stocks <i>see</i> Stock Medicines.		
Meetings <i>see</i> Public Meetings.		
MENTAL HEALTH ACT, 1935-1936	5	746
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1939	1939	12
MENTAL DEFECTIVES ACT AMENDMENT ACT (No. 2), 1939 ...	1939	181
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1941	1941	179

Title or Subject Matter.	Volume.	Page.
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1945	1945	49
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1950	1950	116
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1953	1953	155
MENTAL DEFECTIVES ACT, 1935-1953 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1953	205
MENTAL DEFECTIVES ACT AMENDMENT ACT, 1958.....	1958	191
MENTAL HEALTH ACT AMENDMENT ACT, 1959.....	1959	111
MENTAL HEALTH ACT AMENDMENT ACT, 1960	1960	102
MENTAL HEALTH ACT AMENDMENT ACT, 1961	1961	85
MENTAL HEALTH ACT AMENDMENT ACT, 1962	1962	73
MENTAL HEALTH ACT AMENDMENT ACT (No. 2), 1962.... Mental Defectives Property <i>see</i> Aged and Infirm Persons' Property : Mental Defectives : Law of Property.	1962	76
MENTAL INSTITUTION BENEFITS ACT, 1948	1948	226
Mental Nurses <i>see</i> Nurses Registration.		
MERCANTILE LAW ACT, 1936	6	1
Meters <i>see</i> Gas.		
METROPOLITAN AND EXPORT ABATTOIRS ACT, 1936	6	23
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1937	1937	116
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1945	1945	207
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1948	1948	96
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1952	1952	57
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1954	1954	178
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1955	1955	148
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1956	1956	50

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1957	1957	41
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1958	1958	21
METROPOLITAN AND EXPORT ABATTOIRS ACT, 1936-1958 (As reprinted pursuant to the Amendments Incorporation Act, 1937)	—	—
METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT ACT, 1962	1962	30
Metropolitan County Board <i>see</i> Food and Drugs : Health.		
METROPOLITAN DRAINAGE ACT, 1935	6	69
Metropolitan Drainage <i>see also</i> South-Western Suburbs Drainage.		
METROPOLITAN DRAINAGE WORKS (INVESTIGATION) ACT, 1957	1957	39
METROPOLITAN DRAINAGE WORKS (INVESTIGATION) ACT, 1962	1962	41
Metropolitan Infectious Diseases Hospital <i>see</i> Infectious Diseases Hospital Transfer.		
METROPOLITAN MILK SUPPLY ACT, 1946	1946	188
METROPOLITAN MILK SUPPLY ACT AMENDMENT ACT, 1948..	1948	122
METROPOLITAN MILK SUPPLY ACT AMENDMENT ACT, 1950..	1950	76
METROPOLITAN MILK SUPPLY ACT AMENDMENT ACT, 1955	1955	77
METROPOLITAN MILK SUPPLY ACT AMENDMENT ACT, 1956	1956	81
METROPOLITAN MILK SUPPLY ACT AMENDMENT ACT, 1957..	1957	47
METROPOLITAN MILK SUPPLY ACT, 1946-1957 (As reprinted pursuant to the Amendments Incorporation Act, 1937)	—	—
METROPOLITAN TAXI-CAB ACT, 1956	1956	83
METROPOLITAN TAXI-CAB ACT AMENDMENT ACT, 1957.....	1957	62
THE METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT, 1954	1954	180
METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT ACT, 1957	1957	104

Title or Subject Matter.	Volume.	Page.
METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT ACT, 1960	1960	19
Midwives <i>see</i> Nurses Registration.		
Milk <i>see</i> Dairy Industry : Food and Drugs : Health : Metropolitan Milk Supply.		
MILLICENT AND BEACHPORT RAILWAY DISCONTINUANCE ACT, 1959	1959	59
Mineral Development <i>see</i> Australian Mineral Development Laboratories.		
MINES AND WORKS INSPECTION ACT, 1920-1935	6	102
MINES AND WORKS INSPECTION ACT AMENDMENT ACT, 1955	1955	83
MINES AND WORKS INSPECTION ACT, 1920-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
MINES AND WORKS INSPECTION ACT AMENDMENT ACT, 1962	1962	52
MINING ACT, 1930-1931	6	116
MINING ACT AMENDMENT ACT, 1931	6	161
MINING ACT AMENDMENT ACT, 1941	1941	49
MINING ACT AMENDMENT ACT, 1945	1945	53
MINING ACT AMENDMENT ACT, 1946	1946	39
MINING ACT AMENDMENT ACT, 1950	1950	72
MINING ACT AMENDMENT ACT, 1951	1951	81
MINING ACT, 1930-1951 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1952	193
MINING ACT AMENDMENT ACT, 1953	1953	116
MINING ACT AMENDMENT ACT, 1955	1955	116
MINING ACT, 1930-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
MINING ACT AMENDMENT ACT, 1958	1958	62
MINING ACT AMENDMENT ACT, 1962	1962	78
<i>The Mining Act, 1930-1931, has also been amended by the Mining (Petroleum) Act, 1940.</i>		
Mining at Leigh Creek <i>see</i> Electricity Trust of South Australia.		
Mining for Uranium <i>see</i> Uranium Mining.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
MINING (PETROLEUM) ACT, 1940	1940	234
MINING (PETROLEUM) ACT AMENDMENT ACT, 1958	1958	36
MINING (PETROLEUM) ACT, 1940-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
MINISTER OF AGRICULTURE INCORPORATION ACT, 1952 ...	1952	15
MINISTER OF LANDS INCORPORATION ACT, 1947	1947	56
Ministers of the Crown <i>see</i> Commissioner of Public Works Incorporation : Constitution : Minister of Agriculture Incorporation : Minister of Lands Incorporation : Ministers' Titles : Treasurer's Incorporation.		
MINISTERS' TITLES ACT, 1944.....	1944	81
Minor Indictable Offences <i>see</i> Justices.		
Model By-laws <i>see</i> Local Government.		
MONEY-LENDERS ACT, 1940	1940	265
MONEY-LENDERS ACT AMENDMENT ACT, 1960	1960	66
MONEY-LENDERS ACT, 1940-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Money-Lenders Act, 1940, has also been amended by the Hire-Purchase Agreements Act, 1960.</i>		
Moneys, Unclaimed <i>see</i> Unclaimed Moneys.		
Monopolies <i>see</i> Fair Prices.		
Mortgages <i>see</i> Law of Property : Real Property : Trustee.		
MORTGAGORS RELIEF ACT, 1931-1936	6	215
MORTGAGORS RELIEF ACT, 1940.....	1940	54
MORTGAGORS RELIEF ACT AMENDMENT ACT, 1941.....	1941	47
MORTGAGORS RELIEF ACT, 1943	1943	63
MORTGAGORS RELIEF ACT, 1931-1943 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Moth, Oriental Fruit, <i>see</i> Oriental Fruit Moth Control.		
Mothercraft Nurses <i>see</i> Nurses Registration.		
Motor Omnibuses <i>see</i> Local Government : Municipal Tramways Trust.		
Motor Spirit <i>see</i> Liquid Fuel.		
MOTOR VEHICLES ACT, 1959	1959	203

Title or Subject Matter.	Volume.	Page.
MOTOR VEHICLES ACT AMENDMENT ACT, 1960	1960	40
MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1960 ..	1960	216
MOTOR VEHICLES ACT AMENDMENT ACT, 1961	1961	86
MOTOR VEHICLES ACT AMENDMENT ACT, 1962	1962	43
MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1962 ...	1962	155
MOTOR VEHICLES ACT, 1959-1962 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Motor Vehicles <i>see also</i> Local Government : Metropolitan Taxi-Cab : Road and Railway Transport : Road Traffic.		
MOTOR VEHICLES REGISTRATION FEES (REFUNDS) ACT, 1955	1955	29
Municipal Corporations <i>see</i> Local Government.		
THE MUNICIPAL TRAMWAYS TRUST ACT, 1935	6	227
MUNICIPAL TRAMWAYS TRUST (LEASES) ACT, 1937	1937	98
MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT ACT, 1940..	1940	301
MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT ACT, 1949	1949	160
MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT ACT, 1952	1952	33
MUNICIPAL TRAMWAYS TRUST ACT, 1935-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Municipal Tramways Trust <i>see also</i> Highways : Metropolitan Transport Advisory Council.		
MUSEUM ACT, 1939	1939	174
National Gallery <i>see</i> Art Gallery.		
THE NATIONAL PARK AND WILD LIFE RESERVES ACT, 1891-1935	6	273
NATIONAL PARK ACT AMENDMENT ACT, 1955	1955	108
NATIONAL PARK AND WILD LIFE RESERVES ACT AMENDMENT ACT, 1960	1960	221
THE NATIONAL PLEASURE RESORTS ACT, 1914-1935	6	279
NATIONAL PLEASURE RESORTS ACT AMENDMENT ACT, 1960.	1960	224
National Security Regulations <i>see</i> Economic Stability : Prices.		
NATIONAL SOLDIERS MEMORIAL ACT, 1949	1949	128
THE NATIONAL TRUST OF SOUTH AUSTRALIA ACT, 1955 .	1955	126
National Works <i>see</i> Commonwealth Powers.		

Title or Subject Matter.	Volume.	Page.
NATIVE INDUSTRIES ENCOURAGEMENT ACT, 1872	6	288
NATIVE PLANTS PROTECTION ACT, 1939	1939	191
Neglected Children <i>see</i> Maintenance.		
Newspapers, Restriction on Reports of Legal Proceedings <i>see</i> Evidence: Juvenile Courts: Police Offences.		
Noisy Trades <i>see</i> Local Government: Manufacturing Industries Protection.		
NOMENCLATURE ACT, 1935	6	291
NORTHERN RAILWAY (ALTERATION OF ROUTE) ACT, 1950.	1950	178
THE NORTHERN TERRITORY SURRENDER ACT, 1907	6	293
NORTHERN TERRITORY SURRENDER ACT AMENDMENT ACT, 1919	6	302
NORTH-SOUTH RAILWAY AGREEMENT ACT, 1926	6	305
North-South Railway <i>see also</i> Brachina to Leigh Creek North Coalfield Railway Agreement: Northern Railway (Alteration of Route): Railways Standardization Agreement: Stirling North to Brachina Railway (Land and Materials).		
Notaries Public <i>see</i> Legal Practitioners: Sex Disqualification (Removal).		
NOTIFICATION OF BIRTHS ACT, 1926-1936	6	313
NOXIOUS INSECTS ACT, 1934	6	315
NOXIOUS INSECTS ACT AMENDMENT ACT, 1955	1955	51
NOXIOUS TRADES ACT, 1943	1943	96
NOXIOUS TRADES ACT AMENDMENT ACT, 1955	1955	114
NOXIOUS TRADES ACT, 1943-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Noxious Weeds <i>see</i> Weeds.		
Nuisance by Manufactories <i>see</i> Health: Local Government: Manufacturing Industries Protection: Noxious Trades.		
Nullity of Marriage <i>see</i> Matrimonial Causes.		
Nurse Aides <i>see</i> Nurses Registration.		
NURSES REGISTRATION ACT, 1920-1934	6	340

Table of Public General Acts.

607

Title or Subject Matter.	Volume.	Page.
NURSES REGISTRATION ACT AMENDMENT ACT, 1938	1938	85
NURSES REGISTRATION ACT AMENDMENT ACT, 1949	1949	210
NURSES REGISTRATION ACT AMENDMENT ACT, 1954	1954	184
NURSES REGISTRATION ACT AMENDMENT ACT, 1956	1956	122
NURSES REGISTRATION ACT AMENDMENT ACT, 1958	1958	41
NURSES REGISTRATION ACT AMENDMENT ACT, 1959	1959	61
NURSES REGISTRATION ACT, 1920-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
NURSES REGISTRATION ACT AMENDMENT ACT, 1960	1960	226
OATHS ACT, 1936 Oaths <i>see also</i> Evidence.	6	363
OFFENDERS PROBATION ACT, 1913-1934	6	372
OFFENDERS PROBATION ACT AMENDMENT ACT, 1945	1945	114
OFFENDERS PROBATION ACT AMENDMENT ACT, 1951	1951	58
OFFENDERS PROBATION ACT AMENDMENT ACT, 1953	1953	31
OFFENDERS PROBATION ACT, 1913-1953 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1953	298
Offensive Trades <i>see</i> Health : Noxious Trades.		
Oil, Mining <i>for see</i> Mining (Petroleum).		
Oil, Pollution of Water by <i>see</i> Prevention of Pollution of Waters by Oil.		
OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT, 1958	1958	43
Oils, Inflammable <i>see</i> Inflammable Oils.		
OPTICIANS ACT, 1920-1935	6	379
OPTICIANS ACT AMENDMENT ACT, 1949	1949	130
OPTICIANS ACT, 1920-1949 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
ORIENTAL FRUIT MOTH CONTROL ACT, 1962	1962	19
Osteopaths <i>see</i> Physiotherapists.		
Overseas Exchange <i>see</i> Commonwealth Powers.		
Oyster Fisheries <i>see</i> Fisheries.		

Title or Subject Matter.	Volume.	Page.
Paper Mill <i>see</i> Pulp and Paper Mill (Hundred of Gambier) Indenture : Pulp and Paper Mills Agreement.		
Parking Meters <i>see</i> Local Government.		
Parks <i>see</i> Crown Lands : Levi Park : Local Government: Public Parks : Recreation Grounds (Joint Schemes) : West Beach Recreation Reserve.		
Parliament <i>see</i> Constitution : Electoral : Joint House Committee : Land Settlement : Ministers' Titles : Parliamentary Superannuation : Payment of Members of Parliament : Public Works Standing Committee.		
PARLIAMENTARY SUPERANNUATION ACT, 1948	1948	61
PARLIAMENTARY SUPERANNUATION ACT AMENDMENT ACT, 1949	1949	114
PARLIAMENTARY SUPERANNUATION ACT AMENDMENT ACT, 1953	1953	133
PARLIAMENTARY SUPERANNUATION ACT AMENDMENT ACT, 1957	1957	124
PARLIAMENTARY SUPERANNUATION ACT, 1948-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
PARLIAMENTARY SUPERANNUATION ACT AMENDMENT ACT, 1960	1960	230
PARLIAMENTARY SUPERANNUATION ACT AMENDMENT ACT, 1962	1962	108
PARLIAMENT HOUSE ACT, 1934	6	398
Partition <i>see</i> Law of Property.		
THE PARTNERSHIP ACT, 1891-1935	6	400
Partnership <i>see also</i> Companies : Registration of Business Names.		
PASTORAL ACT, 1936	6	414
PASTORAL ACT AMENDMENT ACT, 1939.....	1939	116
PASTORAL ACT AMENDMENT ACT, 1944	1944	83
PASTORAL ACT AMENDMENT ACT, 1948	1948	143
PASTORAL ACT AMENDMENT ACT, 1950	1950	100
PASTORAL ACT, 1936-1950 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—

Title or Subject Matter.	Volume.	Page.
PASTORAL ACT AMENDMENT ACT, 1953	1953	13
PASTORAL ACT AMENDMENT ACT, 1959	1959	45
PASTORAL ACT AMENDMENT ACT, 1960	1960	234
<i>The Pastoral Act, 1936, has also been amended by the Soil Conservation Act, 1939.</i>		
PAWNBROKERS ACT, 1888-1934	6	464
PAWNBROKERS ACT AMENDMENT ACT, 1950	1950	74
PAYMENT OF MEMBERS OF PARLIAMENT ACT, 1948	1948	68
PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT ACT, 1951.....	1951	8
PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT ACT, 1953	1953	121
PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT ACT, 1957	1957	142
PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT ACT, 1958	1958	194
<i>The Payment of Members of Parliament Act, 1948, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, and by the Statutes Amendment (Public Salaries) Act, 1960.</i>		
Penalties, Remission of <i>see</i> Prisons.		
Perpetuities <i>see</i> Law of Property.		
Perpetuities, Rule against <i>see</i> Companies.		
Pest Destroyers <i>see</i> Agricultural Chemicals.		
Petition for Mercy <i>see</i> Criminal Law Consolidation.		
Petition of Right <i>see</i> Supreme Court.		
Petrol <i>see</i> Inflammable Liquids: Liquid Fuel: Oil Refinery (Hundred of Noarlunga) Indenture.		
Petroleum Gas <i>see</i> Liquefied Petroleum Gas.		
Petrol Pumps <i>see</i> Local Government: Weights and Measures.		
Petrol Rationing <i>see</i> Liquid Fuel.		
Petroleum <i>see</i> Mining (Petroleum).		
PHARMACY ACT, 1935-1936	6	501
PHARMACY ACT AMENDMENT ACT, 1937	1937	51

Title or Subject Matter.	Volume.	Page.
PHARMACY ACT AMENDMENT ACT, 1942	1942	77
PHARMACY ACT AMENDMENT ACT, 1947	1947	99
PHARMACY ACT, 1935-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
PHARMACY ACT AMENDMENT ACT, 1951.....	1951	
PHARMACY ACT AMENDMENT ACT, 1952	1952	100
<i>The Pharmacy Act, 1935-1936, has also been amended by the Statute Law Revision Act, 1952.</i>		
PHYLLOXERA ACT, 1936	6	518
PHYLLOXERA ACT AMENDMENT ACT, 1937	1937	100
PHYLLOXERA ACT, 1936-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
PHYLLOXERA ACT AMENDMENT ACT, 1948	1948	124
PHYSIOTHERAPISTS ACT, 1945	1945	166
PHYSIOTHERAPISTS ACT AMENDMENT ACT, 1946	1946	205
PHYSIOTHERAPISTS ACT AMENDMENT ACT, 1948	1948	228
PHYSIOTHERAPISTS ACT AMENDMENT ACT, 1949	1949	116
PHYSIOTHERAPISTS ACT AMENDMENT ACT, 1955	1955	44
Physiotherapists <i>see also</i> Chiropractic.		
Pilotage <i>see</i> Harbors.		
PISTOL LICENCE ACT, 1929	6	534
THE PLACES OF PUBLIC ENTERTAINMENT ACT, 1913-1934....	6	541
PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT ACT, 1954	1954	44
PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT ACT, 1955	1955	120
PLACES OF PUBLIC ENTERTAINMENT ACT, 1913-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Plants Protection <i>see</i> Native Plants Protection.		
Pleasure Resorts <i>see</i> National Pleasure Resorts.		
Poisons <i>see</i> Dangerous Drugs : Food and Drugs.		

Title or Subject Matter.	Volume.	Page.
Police <i>see</i> Police Offences: Police Regulation: Prohibited Areas (Application of State Laws).		
Police Appeal Board <i>see</i> Police Regulation.		
POLICE OFFENCES ACT, 1953	1953	163
POLICE OFFENCES ACT AMENDMENT ACT, 1956	1956	160
POLICE OFFENCES ACT AMENDMENT ACT, 1957	1957	106
POLICE OFFENCES ACT AMENDMENT ACT, 1958	1958	65
POLICE OFFENCES ACT AMENDMENT ACT, 1960	1960	1
POLICE OFFENCES ACT AMENDMENT ACT (No. 2), 1960	1960	243
POLICE OFFENCES ACT AMENDMENT ACT (No. 3), 1960	1960	245
POLICE OFFENCES ACT, 1953-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1960	305
POLICE OFFENCES ACT AMENDMENT ACT, 1961	1961	165
POLICE OFFENCES ACT AMENDMENT ACT (No. 2), 1961	1961	167
POLICE PENSIONS ACT, 1954	1954	52
POLICE PENSIONS ACT AMENDMENT ACT, 1954	1954	120
POLICE PENSIONS ACT AMENDMENT ACT, 1956	1956	97
POLICE PENSIONS ACT AMENDMENT ACT, 1957	1957	117
POLICE PENSIONS ACT AMENDMENT ACT, 1959	1959	83
POLICE PENSIONS ACT AMENDMENT ACT, 1960	1960	104
Police Prisons <i>see</i> Prisons.		
POLICE REGULATION ACT, 1952	1952	167
POLICE REGULATION ACT AMENDMENT ACT, 1955	1955	109
<i>The Police Regulation Act, 1952, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, by the Statutes Amendment (Public Salaries) Act, 1957, by the Statutes Amendment (Public Salaries) Act, 1959, and by the Statutes Amendment (Public Salaries) Act (No. 2), 1960</i>		
Pollution of Water by Oil <i>see</i> Prevention of Pollution of Waters by Oil.		
POOR PERSONS LEGAL ASSISTANCE ACT, 1925	6	637
POOR PERSONS LEGAL ASSISTANCE ACT, 1936	6	640

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
PORT BROUGHTON RAILWAY (DISCONTINUANCE) ACT, 1953..	1953	72
PORT LINCOLN ABATTOIRS ACT, 1937	1937	95
Port Stanvac <i>see</i> Hallett Cove to Port Stanvac Railway.		
POTATO MARKETING ACT, 1948	1948	145
Poultry Diseases <i>see</i> Stock Diseases.		
Powers <i>see</i> Law of Property.		
Powers of Attorney <i>see</i> Real Property : Registration of Deeds.		
Precious Stones Buyers <i>see</i> Gold Buyers.		
Preference to Sailors, Soldiers and Airmen <i>see</i> War Service (Preference in Employment).		
Premises, Recovery of <i>see</i> Housing Improvement : Landlord and Tenant : Landlord and Tenant (Control of Rents) : Local Courts : Real Property.		
PREVENTION OF CRUELTY TO ANIMALS ACT, 1936.....	6	643
PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT ACT, 1949	1949	215
PREVENTION OF CRUELTY TO ANIMALS ACT, 1936-1949 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT ACT, 1954	1954	121
PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT ACT, 1960	1960	109
PREVENTION OF POLLUTION OF WATERS BY OIL ACT, 1961..	1961	91
Price Fixing <i>see</i> Commonwealth Powers : Economic Stability : Fair Prices : Prices.		
PRICES ACT, 1948	1948	3
PRICES ACT AMENDMENT ACT, 1949	1949	132
PRICES ACT AMENDMENT ACT, 1950	1950	14
PRICES ACT AMENDMENT ACT, 1951	1951	43
PRICES ACT AMENDMENT ACT, 1952	1952	18
PRICES ACT AMENDMENT ACT, 1953	1953	83
PRICES ACT AMENDMENT ACT, 1954	1954	37

Title or Subject Matter.	Volume.	Page.
PRICES ACT AMENDMENT ACT, 1955	1955	36
PRICES ACT AMENDMENT ACT, 1956	1956	52
PRICES ACT AMENDMENT ACT, 1957	1957	86
PRICES ACT, 1948-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
PRICES ACT AMENDMENT ACT, 1958	1958	124
PRICES ACT AMENDMENT ACT, 1959	1959	139
PRICES ACT AMENDMENT ACT, 1960	1960	111
PRICES ACT AMENDMENT ACT, 1961	1961	102
PRICES ACT AMENDMENT ACT, 1962	1962	111
Prices Regulations <i>see</i> Economic Stability : Prices.		
PRIMARY PRODUCERS ASSISTANCE ACT, 1943.....	1943	65
PRIMARY PRODUCERS' DEBTS ACT, 1935-1936	6	656
PRIMARY PRODUCERS' DEBTS ACT AMENDMENT ACT, 1937	1937	57
PRIMARY PRODUCERS' DEBTS ACT AMENDMENT ACT, 1939 ..	1939	16
PRIMARY PRODUCERS' DEBTS ACT, 1935-1939 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
PRIMARY PRODUCERS' DEBTS ACT AMENDMENT ACT, 1941..	1941	113
<i>The Primary Producers' Debts Act, 1935-1936, has also been amended by the Primary Producers Assistance Act, 1943.</i>		
Printers <i>see</i> Imprint.		
PRISONS ACT, 1936	6	670
PRISONS ACT AMENDMENT ACT, 1954	1954	66
PRISONS ACT AMENDMENT ACT, 1956	1956	126
PRISONS ACT, 1936-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Private Acts <i>see</i> Table of Private Acts.		
Private Detectives <i>see</i> Bailiffs and Inquiry Agents Licensing.		
Proceedings, Restrictions on Reports of <i>see</i> Police Offences.		

Title or Subject Matter.	Volume.	Page.
Process Servers <i>see</i> Bailiffs and Inquiry Agents Licensing. Producer Gas Equipment <i>see</i> Bush Fires.		
PROHIBITED AREAS (APPLICATION OF STATE LAWS) ACT, 1952	1952	102
Promissory Oaths <i>see</i> Oaths.		
PROOF OF SUNRISE AND SUNSET ACT, 1923	6	695
Property <i>see</i> Aged and Infirm Persons' Property : Agricultural Holdings : Encroachments : Estates Tail : Homestead : Housing Improvement : Land- lord and Tenant : Landlord and Tenant (Control of Rents) : Law of Property : Limitation of Actions : Real Property : Registration of Deeds : Settled Estates : Trustee : Wills.		
Prostitution <i>see</i> Police Offences.		
Provident Societies <i>see</i> Industrial and Provident Societies.		
Publicans <i>see</i> Innkeepers : Licensing.		
PUBLIC CHARITIES FUNDS ACT, 1935	6	697
PUBLIC CHARITIES FUNDS ACT AMENDMENT ACT, 1940....	1940	155
PUBLIC FINANCE ACT, 1936	6	710
PUBLIC FINANCE ACT AMENDMENT ACT, 1947	1947	23
PUBLIC FINANCE ACT, 1949	1949	162
PUBLIC FINANCE ACT AMENDMENT ACT, 1954	1954	13
PUBLIC FINANCE ACT AMENDMENT ACT, 1960	1960	49
Public Holidays <i>see</i> Holidays.		
Public Library <i>see</i> Libraries and Institutes.		
PUBLIC MEETINGS ACT, 1912-1934.....	6	783
Public Moneys <i>see</i> Audit.		
Public Notaries <i>see</i> Legal Practitioners : Sex Disquali- fication (Removal).		
PUBLIC PARKS ACT, 1943	1943	71
Public Place in Prohibited Areas <i>see</i> Prohibited Areas (Application of State Laws).		
PUBLIC SALARIES ACT REPEAL ACT, 1946	1946	106

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
PUBLIC SERVICE ACT, 1936	7	1
PUBLIC SERVICE ACT AMENDMENT ACT, 1937	1937	123
PUBLIC SERVICE ACT AMENDMENT ACT (No. 2), 1937 ...	1937	126
PUBLIC SERVICE ACT AMENDMENT ACT, 1938	1938	199
PUBLIC SERVICE ACT AMENDMENT ACT, 1940	1940	143
PUBLIC SERVICE ACT AMENDMENT ACT, 1941	1941	82
PUBLIC SERVICE ACT AMENDMENT ACT, 1942	1942	83
PUBLIC SERVICE ACT AMENDMENT ACT, 1945	1945	43
PUBLIC SERVICE ACT AMENDMENT ACT, 1946	1946	137
PUBLIC SERVICE ACT AMENDMENT ACT, 1947	1947	126
PUBLIC SERVICE ACT AMENDMENT ACT, 1948	1948	175
PUBLIC SERVICE ACT AMENDMENT ACT, 1949	1949	67
PUBLIC SERVICE ACT, 1936-1949 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1949	351
PUBLIC SERVICE ACT AMENDMENT ACT, 1950	1950	91
PUBLIC SERVICE ACT AMENDMENT ACT, 1951	1951	121
PUBLIC SERVICE ACT AMENDMENT ACT, 1952	1952	147
PUBLIC SERVICE ACT AMENDMENT ACT, 1953	1953	55
PUBLIC SERVICE ACT AMENDMENT ACT, 1954	1954	123
PUBLIC SERVICE ACT AMENDMENT ACT (No. 2), 1954	1954	127
PUBLIC SERVICE ACT AMENDMENT ACT, 1958	1958	196
PUBLIC SERVICE ACT, 1936-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
<p><i>The Public Service Act, 1936, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, by the Statutes Amendment (Public Salaries) Act, 1957, by the Statutes Amendment (Long Service Leave) Act, 1958, by the Statutes Amendment (Public Salaries) Act, 1959, and by the Statutes Amendment (Public Salaries) Act (No. 2), 1960</i></p>		
<p>Public Service see also Public Service Arbitration: Salaries Adjustment (Public Service and Salaries).</p>		
PUBLIC SERVICE ARBITRATION ACT, 1961	1961	138
PUBLIC SUPPLY AND TENDER ACT, 1914-1930	7	41

Title or Subject Matter.	Volume.	Page.
PUBLIC SUPPLY AND TENDER ACT AMENDMENT ACT, 1940.. Public Trustee, Office of <i>see</i> Administration and Probate	1940	13
PUBLIC WORKS STANDING COMMITTEE ACT, 1927-1935 ...	7	47
PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT ACT, 1940	1940	3
PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT ACT, 1944	1944	20
PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT ACT, 1951	1951	13
PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT ACT, 1954	1954	191
PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT ACT, 1955	1955	33
<i>The Public Works Standing Committee Act, 1927-1935, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955, and by the Statutes Amendment (Public Salaries) Act, 1960.</i>		
PULP AND PAPER MILL (HUNDRED OF GAMBIER) INDENTURE ACT, 1961	1961	103
PULP AND PAPER MILLS AGREEMENT ACT, 1958.....	1958	198
Queen Elizabeth the Second, Royal Style and Titles of <i>see</i> Royal Style and Titles.		
Radioactive Substances <i>see</i> Health.		
RADIUM HILL WATER SUPPLY AGREEMENT ACT, 1953 ...	1953	110
Railway Officers Classification Board <i>see</i> South Australian Railways Commissioner.		
Railway Service Appeal Board <i>see</i> South Australian Railways Commissioner.		
Railways <i>see</i> Brachina to Leigh Creek North Coalfield Railway Agreement: Kingston and Naracoorte Railway Alteration: Leigh Creek North Coalfield to Marree Railway Agreement: Metropolitan Transport Advisory Council: Millicent and Beach- port Railway Discontinuance: Northern Railway (Alteration of Route): North-South Railway Agree- ment: Port Broughton Railway (Discontinuance): Railways Standardization Agreement: Redhill to Port Augusta Railway Agreement: Road and Rail- way Transport: South Australian Railways Com- missioner: Stirling North to Brachina Railway (Land and Materials): Wandilo and Glencoe Railway (Discontinuance).		

Table of Public General Acts.

617

Title or Subject Matter.	Volume.	Page.
Railways Construction Acts <i>see</i> Broadening of Gauge (South-Eastern) Railways: Hallett Cove to Port Stanvac Railway: Woodlands Park to Tonsley Railway: Table of Public Acts of Restricted Application: Table of Private Acts.		
RAILWAYS STANDARDIZATION AGREEMENT ACT, 1949.....	1949	167
Railways Uniform Gauge <i>see</i> Commonwealth Powers: Railways Standardization Agreement.		
Rates, Crown <i>see</i> Crown Rates and Taxes Recovery.		
THE REAL PROPERTY ACT, 1886-1936	7	59
REAL PROPERTY ACT AMENDMENT ACT, 1939	1939	213
REAL PROPERTY ACT AMENDMENT ACT, 1945	1945	181
REAL PROPERTY ACT AMENDMENT ACT, 1960	1960	167
REAL PROPERTY ACT AMENDMENT ACT, 1961	1961	112
THE REAL PROPERTY ACT, 1886-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
REAL PROPERTY (COMMONWEALTH TITLES) ACT, 1924 ..	7	154
REAL PROPERTY (COMMONWEALTH TITLES) ACT AMENDMENT ACT, 1953	1953	123
REAL PROPERTY (FOREIGN GOVERNMENTS) ACT, 1950 ...	1950	15
REAL PROPERTY (REGISTRATION OF TITLES) ACT, 1945	1945	13
Re-assurances <i>see</i> Mercantile Law.		
RECREATION GROUNDS (JOINT SCHEMES) ACT, 1947	1947	102
RECREATION GROUNDS (REGULATIONS) ACT, 1931-1935 ...	7	158
THE RECREATION GROUNDS TAXATION EXEMPTION ACT, 1910	7	161
Recreation Grounds <i>see also</i> Local Government: Public Parks.		
Redivision of Electoral Districts <i>see</i> Electoral Districts (Redivision).		
REDHILL TO PORT AUGUSTA RAILWAY AGREEMENT ACT, 1935	7	163
RED SCALE CONTROL ACT, 1962	1962	112

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
REDUNDANT OFFICERS FUND ACT, 1936	7	171
Refinery <i>see</i> Oil Refinery (Hundred of Noarlunga) Indenture.		
Reformatories <i>see</i> Maintenance.		
Registration of Births and Deaths <i>see</i> Births and Deaths Registration.		
REGISTRATION OF BUSINESS NAMES ACT, 1928-1932	7	173
REGISTRATION OF BUSINESS NAMES ACT AMENDMENT ACT, 1946	1946	114
REGISTRATION OF BUSINESS NAMES ACT AMENDMENT ACT, 1950	1950	23
REGISTRATION OF BUSINESS NAMES ACT AMENDMENT ACT, 1955	1955	111
REGISTRATION OF BUSINESS NAMES ACT AMENDMENT ACT, 1961	1961	114
REGISTRATION OF DEEDS ACT, 1935	7	184
REGISTRATION OF DEEDS ACT AMENDMENT ACT, 1962 ...	1962	45
REGISTRATION OF DOGS ACT, 1924-1929	7	204
REGISTRATION OF DOGS ACT AMENDMENT ACT, 1948.....	1948	103
REGISTRATION OF DOGS ACT AMENDMENT ACT, 1957.....	1957	108
REGISTRATION OF DOGS ACT, 1924-1957 (<i>As reprinted pur-</i> <i>suant to the Amendments Incorporation Act, 1937</i>).....	—	—
Registration of Motor Vehicles <i>see</i> Motor Vehicles.		
Registry Offices <i>see</i> Employees Registry Offices.		
Regulations <i>see</i> Acts Interpretation : Consolidation of Regulations.		
Remission of Penalties <i>see</i> Prisons.		
RENMARK IRRIGATION TRUST ACT, 1936	7	217
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1945	1945	115
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1946	1946	212
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1948	1948	181
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1950	1950	126

Title or Subject Matter.	Volume.	Page.
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1952	1952	20
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1954 ..	1954	84
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1956	1956	128
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1957	1957	87
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1958	1958	210
RENMARK IRRIGATION TRUST ACT, 1936-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>) . . .	—	—
RENMARK IRRIGATION TRUST ACT AMENDMENT ACT, 1959	1959	85
Rent, Distress for <i>see</i> Excessive Rents: Landlord and Tenant.		
Rent Restrictions <i>see</i> Excessive Rents: Housing Improvement: Landlord and Tenant (Control of Rents).		
Repatriation <i>see</i> Commonwealth Powers: Discharged Soldiers Settlement: Land Settlement: Livestock (War Service Land Settlement): War Service Land Settlement Agreement.		
Rest Homes, Licensing of <i>see</i> Health.		
Returned Sailors', Soldiers' and Airmen's Imperial League <i>see</i> Returned Servicemen's Badges: Sailors and Soldiers Memorial Hall: Table of Private Acts.		
Returned Sailors, Soldiers and Airmen, Preference in Employment <i>see</i> Public Service: War Service (Preference in Employment).		
Returned Sailors, Soldiers, and Airmen, Preservation of Rights of <i>see</i> War Service Rights (State Employees).		
RETURNED SERVICEMEN'S BADGES ACT, 1952	1952	115
RIVER MURRAY WATERS ACT, 1935	7	287
RIVER MURRAY WATERS ACT AMENDMENT ACT, 1948 ...	1948	230
RIVER MURRAY WATERS ACT AMENDMENT ACT, 1954 ...	1954	129
RIVER MURRAY WATERS ACT AMENDMENT ACT, 1958	1958	71
River Murray <i>see also</i> Commonwealth Water Agreement: Ratification: Control of Waters: Firearms: Irrigation: Irrigation on Private Property: Northern Areas and Whyalla Water Supply.		
RIVER TORRENS (PROHIBITION OF EXCAVATIONS) ACT, 1927-1934	7	917
RIVER TORRENS PROTECTION ACT, 1949	1949	69
Road Accidents, Notice of <i>see</i> Hospitals: Road Traffic.		

Title or Subject Matter.	Volume.	Page.
ROAD AND RAILWAY TRANSPORT ACT, 1930-1935	7	320
ROAD AND RAILWAY TRANSPORT ACT AMENDMENT ACT, 1939	1939	358
ROAD AND RAILWAY TRANSPORT ACT AMENDMENT ACT, 1956	1956	53
ROAD AND RAILWAY TRANSPORT ACT AMENDMENT ACT, 1957	1957	115
Road and Railway Transport <i>see also</i> Road Charges (Refunds): Road Transport Administration (Barring of Claims).		
ROAD CHARGES (REFUNDS) ACT, 1958	1958	15
Roads Agreement <i>see</i> Appropriation (Federal Aids Road Agreement): Federal Aid Roads Agreement.		
ROADS (OPENING AND CLOSING) ACT, 1932-1936	7	342
ROADS (OPENING AND CLOSING) ACT AMENDMENT ACT, 1946	1946	213
ROADS (OPENING AND CLOSING) ACT, 1932-1946 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Roads <i>see also</i> Crown Lands: Housing Improvement: Impounding: Highways: Local Government: Town Planning.		
ROAD TRAFFIC ACT, 1961	1961	217
Road Traffic <i>see also</i> Local Government: Motor Vehicles: Road and Railway Transport.		
Road Traffic in Prohibited Areas <i>see</i> Prohibited Areas (Application of State Laws).		
ROAD TRANSPORT ADMINISTRATION (BARRING OF CLAIMS) ACT, 1954	1954	193
Roseworthy College <i>see</i> Agricultural College: Agricultural Graduates Land Settlement.		
Royal Agricultural and Horticultural Society <i>see</i> Adelaide Show Grounds.		
Royal Arms <i>see</i> Unauthorized Documents.		
ROYAL COMMISSIONS ACT, 1917	7	457
Royal Patronage <i>see</i> Associations Incorporation: Companies.		
ROYAL STYLE AND TITLES ACT, 1956	1956	36
Royal Warrant <i>see</i> Goods (Trade Descriptions).		
SAILORS AND SOLDIERS MEMORIAL HALL ACT, 1939	1939	81

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
SALARIES ADJUSTMENT (PUBLIC SERVICE AND TEACHERS) ACT, 1960	1960	250
SALE OF FRUIT ACT, 1915-1935	7	465
SALE OF FURNITURE ACT, 1904-1935	7	473
SALE OF FURNITURE ACT AMENDMENT ACT, 1961... ..	1961	29
THE SALE OF GOODS ACT, 1895-1936	7	475
SALE OF GOODS ACT AMENDMENT ACT, 1937	1937	56
SALE OF GOODS ACT AMENDMENT ACT, 1943	1943	112
SALE OF GOODS ACT AMENDMENT ACT, 1952	1952	76
THE SALE OF GOODS ACT, 1895-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
SALE OF HUMAN BLOOD ACT, 1962	1962	47
SANDALWOOD ACT, 1930-1936	7	498
SANDALWOOD ACT AMENDMENT ACT, 1940	1940	19
SANDALWOOD ACT AMENDMENT ACT, 1943.....	1943	15
SANDALWOOD ACT AMENDMENT ACT, 1946	1946	42
SANDALWOOD ACT AMENDMENT ACT, 1949	1949	51
SAND DRIFT ACT, 1923-1935	7	502
SAN JOSÉ SCALE CONTROL ACT, 1962.....	1962	118
Sand Washing <i>see</i> River Torrens Protection.		
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT, 1929-1935..	7	526
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1942	1942	33
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1945	1945	120
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1947	1947	84
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1948	1948	155
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1949	1949	81

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1953	1953	50
SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1958	1958	136
SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT ACT, 1959	1959	67
THE SAVINGS BANK OF SOUTH AUSTRALIA ACT, 1929-1959 (As reprinted pursuant to the Amendments Incorporation Act, 1937)	—	—
<i>The Savings Bank of South Australia Act, 1929-1935 has also been amended by the Banks Statutory Obligations Amendment Act, 1962.</i>		
Savings Bank of South Australia <i>see also</i> Homes.		
Savings Banks <i>see</i> Banks Statutory Obligations Amendment.		
SCAFFOLDING INSPECTION ACT, 1934	7	557
SCAFFOLDING INSPECTION ACT AMENDMENT ACT, 1940	1940	7
SCAFFOLDING INSPECTION ACT AMENDMENT ACT, 1957 ...	1957	58
SCAFFOLDING INSPECTION ACT AMENDMENT ACT, 1961 ...	1961	169
SCAFFOLDING INSPECTION ACT, 1934-1961 (As reprinted pursuant to the Amendments Incorporation Act, 1937).....	—	—
Seale <i>see</i> Red Scale Control : San José Scale Control		
SCHOOL OF MINES AND INDUSTRIES ACT, 1892-1934	7	565
SCHOOL OF MINES AND INDUSTRIES ACT AMENDMENT ACT, 1959	1959	154
Sea, Oil Pollution of <i>see</i> Prevention of Pollution of Waters by Oil.		
SECOND-HAND DEALERS ACT, 1919-1934	7	570
SECOND-HAND DEALERS ACT AMENDMENT ACT, 1949	1949	133
SECOND-HAND DEALERS ACT AMENDMENT ACT, 1950	1950	118
SECOND-HAND DEALERS ACT AMENDMENT ACT, 1958	1958	53
SECOND-HAND DEALERS ACT, 1919-1958 (As reprinted pursuant to the Amendments Incorporation Act, 1937)	—	—
SECRET COMMISSIONS PROHIBITION ACT, 1920	7	582

Title or Subject Matter.	Volume.	Page.
Seeds <i>see</i> Agricultural Seeds.		
Senators <i>see</i> Election of Senators.		
Septic Tanks <i>see</i> Health.		
Servants <i>see</i> Masters and Servants.		
Services, Prices of <i>see</i> Prices.		
THE SETTLED ESTATES ACT, 1880	7	590
THE SETTLED ESTATES ACT AMENDMENT ACT, 1889	7	604
SETTLED ESTATES ACT AMENDMENT ACT, 1943	1943	36
SEWERAGE ACT, 1929-1936	7	605
SEWERAGE ACT AMENDMENT ACT, 1946	1946	222
SEWERAGE ACT AMENDMENT ACT, 1953	1953	73
SEWERAGE ACT AMENDMENT ACT, 1955	1955	81
SEWERAGE ACT AMENDMENT ACT, 1960	1960	252
SEWERAGE ACT AMENDMENT ACT, 1962	1962	164
SEX DISQUALIFICATION (REMOVAL) ACT, 1921	7	645
SHAREBROKERS ACT, 1945	1945	35
Shares, Restriction on sale of <i>see</i> Companies.		
SHEARERS ACCOMMODATION ACT, 1922-1925	7	647
SHEARERS ACCOMMODATION ACT AMENDMENT ACT, 1942 .	1942	122
SHEARERS ACCOMMODATION ACT, 1922-1942 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>) ...	1942	137
SHEARERS ACCOMMODATION ACT AMENDMENT ACT, 1947..	1947	62
SHEARERS ACCOMMODATION ACT AMENDMENT ACT, 1958....	1958	55
SHEARERS ACCOMMODATION ACT, 1922-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
<i>The Shearers Accommodation Act 1922-1925, has also been amended by the Statute Law Revision Act, 1952.</i>		
Sheep Dipping <i>see</i> Stock Diseases.		
Sheriff <i>see</i> Supreme Court.		
Shipping <i>see</i> Explosives : Harbors : Inflammable Liquids : Marine : Wrongs.		
Shipping Collisions <i>see</i> Marine : Supreme Court : Wrongs.		

Title or Subject Matter.	Volume.	Page.
Shoes <i>see</i> Footwear Regulation.		
Shops <i>see</i> Early Closing : Industrial.		
Showgrounds <i>see</i> Adelaide Show Grounds.		
Silver Buyers <i>see</i> Gold Buyers.		
Sinking Fund <i>see</i> Appropriation (Federal Aid Roads Agreement) : Financial Agreement : Public Finance.		
Skin Dealers <i>see</i> Hide, Skin and Wool Dealers.		
Slander <i>see</i> Wrongs.		
Slaughterhouses <i>see</i> Abattoirs : Health : Local Government : Metropolitan and Export Abattoirs : Port Lincoln Abattoirs.		
Slum Clearance <i>see</i> Housing Improvement.		
Snowy Waters Scheme <i>see</i> River Murray Waters.		
Soap <i>see</i> Food and Drugs.		
Societies <i>see</i> Associations Incorporation : Building Societies : Friendly Societies : Industrial and Provident Societies : Trade Union : Unclaimed Moneys.		
SOIL CONSERVATION ACT, 1939.....	1939	124
SOIL CONSERVATION ACT AMENDMENT ACT, 1943	1943	114
SOIL CONSERVATION ACT AMENDMENT ACT, 1945	1945	213
SOIL CONSERVATION ACT AMENDMENT ACT, 1947	1947	87
SOIL CONSERVATION ACT, 1939-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
SOIL CONSERVATION ACT AMENDMENT ACT, 1960	1960	33
Soil Erosion <i>see</i> Crown Lands : Pastoral : Sand Drift : Soil Conservation.		
Soldier Settlement <i>see</i> Commonwealth Powers : Discharged Soldiers Settlement : Land Settlement : Livestock (War Service Land Settlement) : War Service Land Settlement Agreement.		
Soldiers' Memorial <i>see</i> Government House Domain Dedication : National Soldiers Memorial : Sailors and Soldiers Memorial Hall.		
Soldiers' Widows, Housing of <i>see</i> Advances for Homes : Housing Improvement.		
Solicitors <i>see</i> Legal Practitioners : Supreme Court.		
South Australian Gas Company <i>see</i> Gas : Table of Private Acts : Table of Public Acts of Restricted Application.		

Table of Public General Acts.

625

Title or Subject Matter.	Volume.	Page.
SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936	7	653
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1937	1937	107
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1940	1940	146
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1942	1942	58
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1946	1946	225
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1947	1947	10
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1948	1948	70
SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT ACT, 1952	1952	149
SOUTH AUSTRALIAN HOUSING TRUST ACT, 1936-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The South Australian Housing Trust Act, 1936, has also been amended by the Statute Law Revision Act, 1957.</i>		
South Australian Housing Trust <i>see also</i> Country Housing: Enfield General Cemetery (Exchange of Land): Housing Improvement: Industries Develop- ment: Landlord and Tenant (Control of Rents): <i>and, in the Table of Public Acts of Restricted Appli- cation, Exchange of Land (Hundred of Noarlunga)</i>		
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT, 1936	7	661
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT ACT, 1938	1938	67
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S (APPEAL BOARD) ACT, 1941	1941	202
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMEND- MENT ACT, 1950	1950	182
SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMEND- MENT ACT, 1957	1957	110
South Australian Institute of Technology <i>see</i> School of Mines and Industry.		
South Australian Trotting League <i>see</i> Lottery and Gaming.		

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
SOUTH-EASTERN DRAINAGE ACT, 1931-1935	7	721
SOUTH-EASTERN DRAINAGE ACT AMENDMENT ACT, 1947 .	1947	65
SOUTH-EASTERN DRAINAGE ACT AMENDMENT ACT, 1948 .	1948	159
SOUTH-EASTERN DRAINAGE ACT AMENDMENT ACT, 1959 .	1959	69
SOUTH-EASTERN DRAINAGE ACT, 1931-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
SOUTH-WESTERN SUBURBS DRAINAGE ACT, 1959	1959	140
Sparrows <i>see</i> Local Government.		
Special Constables <i>see</i> Local Government: Police Regulation.		
Spectacle Sellers <i>see</i> Opticians.		
Spirits <i>see</i> Food and Drugs: Licensing.		
Sponges <i>see</i> Fibre and Sponges.		
STAMP DUTIES ACT, 1923-1936	7	762
STAMP DUTIES ACT AMENDMENT ACT, 1937	1937	59
STAMP DUTIES ACT AMENDMENT ACT, 1938	1938	12
STAMP DUTIES ACT AMENDMENT ACT, 1941.....	1941	206
STAMP DUTIES ACT AMENDMENT ACT, 1942	1942	62
STAMP DUTIES ACT AMENDMENT ACT, 1944	1944	90
STAMP DUTIES ACT AMENDMENT ACT, 1945	1945	139
STAMP DUTIES ACT AMENDMENT ACT, 1947	1947	107
STAMP DUTIES ACT AMENDMENT ACT, 1950	1950	38
STAMP DUTIES ACT AMENDMENT ACT, 1952	1952	13
STAMP DUTIES ACT AMENDMENT ACT (No. 2), 1952	1952	184
STAMP DUTIES ACT, 1923-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1952	245
STAMP DUTIES ACT AMENDMENT ACT, 1953	1953	81
STAMP DUTIES ACT AMENDMENT ACT, 1954	1954	87
STAMP DUTIES ACT AMENDMENT ACT, 1956	1956	18
STAMP DUTIES ACT AMENDMENT ACT, 1959	1959	150

Table of Public General Acts.

627

Title or Subject Matter.	Volume.	Page.
STAMP DUTIES ACT AMENDMENT ACT, 1960	1960	21
STAMP DUTIES ACT, 1923-1960 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Stamp Duties Act, 1923-1936, has also been amended by the Statute Law Revision Act, 1952 and the Banks Statutory Obligations Amendment Act, 1962.</i>		
Stamp Duties <i>see also</i> Amusements Duty (Suspension) : Cattle Compensation : Lottery and Gaming : Swine Compensation.		
Standard Railways Gauge <i>see</i> Commonwealth Powers : Railways Standardization Agreement.		
THE STANDARD TIME ACT, 1898	7	811
STATE BANK ACT, 1925-1936	7	812
STATE BANK ACT AMENDMENT ACT, 1941	1941	85
STATE BANK ACT AMENDMENT ACT, 1954.....	1954	195
STATE BANK ACT AMENDMENT ACT, 1958.....	1958	212
State Children <i>see</i> Maintenance.		
State Employees <i>see</i> War Service Rights (State Employees).		
STATISTICS ACT, 1935	8	1
STATUTE LAW REVISION ACT, 1937	1937	20
STATUTE LAW REVISION ACT, 1952	1952	119
STATUTE LAW REVISION ACT, 1957	1957	112
Statute Law Revision <i>see also</i> Table of Public Acts of Restricted Application.		
Statute of Limitations <i>see</i> Limitation of Actions.		
STATUTES AMENDMENT (LONG SERVICE LEAVE) ACT, 1958..	1958	151
STATUTES AMENDMENT (PUBLIC SALARIES) ACT, 1955	1955	6
STATUTES AMENDMENT (PUBLIC SALARIES) ACT, 1957	1957	10
STATUTES AMENDMENT (PUBLIC SALARIES) ACT, 1959	1959	21
STATUTES AMENDMENT (PUBLIC SALARIES) ACT, 1960	1960	22
STATUTES AMENDMENT (PUBLIC SALARIES) ACT (No. 2), 1960	1960	56
Statutory Declarations <i>see</i> Oaths.		

Title or Subject Matter.	Volume.	Page.
STATUTORY SALARIES AND FEES ACT, 1947	1947	108
STEAM BOILERS AND ENGINEDRIVERS ACT, 1935	8	5
STEAM BOILERS AND ENGINEDRIVERS ACT AMENDMENT ACT, 1952	1952	122
STEAM BOILERS AND ENGINEDRIVERS ACT, 1935-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Steel Works <i>see</i> Broken Hill Proprietary Company's Steel Works Indenture.		
Still-Births <i>see</i> Births and Deaths Registration.		
STIRLING NORTH TO BRACHINA RAILWAY (LAND AND MATERIALS) ACT, 1952	1952	105
STOCK DISEASES ACT, 1934	8	39
STOCK AND POULTRY DISEASES ACT AMENDMENT ACT, 1941	1941	115
STOCK AND POULTRY DISEASES ACT AMENDMENT ACT, 1946	1946	132
STOCK AND POULTRY DISEASES ACT AMENDMENT ACT, 1954	1954	197
STOCK AND POULTRY DISEASES ACT, 1934-1954 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)....	—	—
STOCK DISEASES ACT AMENDMENT ACT, 1956	1956	105
STOCK DISEASES ACT AMENDMENT ACT, 1959	1959	47
STOCK DISEASES ACT AMENDMENT ACT, 1961	1961	54
STOCK DISEASES ACT AMENDMENT ACT, 1962	1962	124
Stock Diseases <i>see also</i> Cattle Compensation : Foot and Mouth Disease Eradication Fund : Swine Compensation.		
STOCK FOODS ACT, 1941	1941	118
STOCK FOODS ACT AMENDMENT ACT, 1944	1944	22
STOCK FOODS ACT AMENDMENT ACT, 1948	1948	99
STOCK FOODS ACT, 1941-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
<i>The Stock Foods Act, 1941, has also been amended by the Stock Licks Act Repeal Act, 1956.</i>		
Stock, Insemination of <i>see</i> Artificial Breeding : Stock Diseases.		

Table of Public General Acts.

629

Title or Subject Matter.	Volume.	Page.
STOCK LICKS ACT REPEAL ACT, 1956	1956	110
Stock Licks <i>see</i> Stock Medicines.		
STOCK MEDICINES ACT, 1939	1939	133
<i>The Stock Medicines Act, 1939, has been amended by the Agricultural Chemicals Act, 1955 and the Stock Licks Act Repeal Act, 1956.</i>		
STOCK MORTGAGES AND WOOL LIENS ACT, 1924-1935.....	8	70
Stock, Veterinary Treatment of <i>see</i> Veterinary Districts.		
Storage, Liens on Goods Deposited for <i>see</i> Warehousemen's Liens.		
Strikes <i>see</i> Industrial.		
STUDENT HOSTELS (ADVANCES) ACT, 1961	1961	116
SUBDIVIDED LAND DEBTS ACT, 1932-1934	8	83
Subdivision of Land <i>see</i> Land Agents: Real Property: Town Planning.		
SUCCESSION DUTIES ACT, 1929-1936	8	90
SUCCESSION DUTIES (VARIATION OF DUTIES) ACT, 1939	1939	112
SUCCESSION DUTIES ACT AMENDMENT ACT, 1940	1940	309
SUCCESSION DUTIES ACT AMENDMENT ACT, 1942.....	1942	65
SUCCESSION DUTIES ACT, 1929-1942 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1942	144
SUCCESSION DUTIES ACT AMENDMENT ACT, 1943	1943	73
SUCCESSION DUTIES ACT AMENDMENT ACT, 1949	1949	173
SUCCESSION DUTIES ACT AMENDMENT ACT, 1950	1950	102
SUCCESSION DUTIES ACT AMENDMENT ACT, 1951	1951	135
SUCCESSION DUTIES ACT AMENDMENT ACT, 1952	1952	152
SUCCESSION DUTIES ACT AMENDMENT ACT, 1954	1954	134
SUCCESSION DUTIES ACT AMENDMENT ACT, 1955	1955	203
SUCCESSION DUTIES ACT, 1929-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
SUCCESSION DUTIES ACT AMENDMENT ACT, 1959	1959	199

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
<i>The Succession Duties Act, 1929-1936, has also been amended by the Statute Law Revision Act, 1952 and the Banks Statutory Obligations Amendment Act, 1962.</i>		
Suitors' Funds <i>see</i> Supreme Court.		
Summary Jurisdiction <i>see</i> Justices: Juvenile Courts.		
Sunrise and Sunset <i>see</i> Proof of Sunrise and Sunset.		
SUPERANNUATION ACT, 1926-1935	8	129
SUPERANNUATION ACT AMENDMENT ACT, 1938	1938	196
SUPERANNUATION ACT AMENDMENT ACT, 1940	1940	35
SUPERANNUATION ACT AMENDMENT ACT, 1942	1942	87
SUPERANNUATION ACT AMENDMENT ACT, 1946	1946	231
SUPERANNUATION ACT AMENDMENT ACT, 1948	1948	74
SUPERANNUATION ACT AMENDMENT ACT, 1949	1949	223
SUPERANNUATION ACT AMENDMENT ACT, 1951	1951	68
SUPERANNUATION ACT AMENDMENT ACT, 1953	1953	150
SUPERANNUATION ACT AMENDMENT ACT, 1954	1954	201
SUPERANNUATION ACT AMENDMENT ACT, 1955	1955	136
SUPERANNUATION ACT AMENDMENT ACT, 1956	1956	112
SUPERANNUATION ACT AMENDMENT ACT, 1958	1958	214
SUPERANNUATION ACT AMENDMENT ACT, 1960	1960	254
SUPERANNUATION ACT AMENDMENT ACT, 1961	1961	120
SUPERANNUATION ACT, 1926-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).	—	—
Superannuation <i>see also</i> Friendly Societies: Libraries and Institutes: Metropolitan Milk Supply: Parliamentary Superannuation: Police Pensions: South Australian Housing Trust.		
SUPPLEMENTARY FINANCIAL AGREEMENT (SOLDIER SETTLEMENT LOANS) ACT, 1934	8	160
Supplies, Emergency <i>see</i> Emergency Supplies.		
Supply Acts <i>see</i> Table of Public Acts of Restricted Application.		
Supply and Tender Board <i>see</i> Public Supply and Tender.		

Table of Public General Acts.

631

Title or Subject Matter.	Volume.	Page.
SUPREME COURT ACT, 1935-1936	8	168
SUPREME COURT ACT AMENDMENT ACT, 1944	1944	178
SUPREME COURT ACT AMENDMENT ACT, 1947	1947	89
SUPREME COURT ACT AMENDMENT ACT, 1951	1951	10
SUPREME COURT ACT AMENDMENT ACT, 1952	1952	28
SUPREME COURT ACT AMENDMENT ACT, 1953	1953	129
SUPREME COURT ACT AMENDMENT ACT, 1955	1955	42
SUPREME COURT ACT, 1935-1955 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
SUPREME COURT ACT AMENDMENT ACT, 1958	1958	153
SUPREME COURT ACT AMENDMENT ACT, 1960	1960	256
SUPREME COURT ACT AMENDMENT ACT (No. 2), 1960....	1960	301
SUPREME COURT ACT AMENDMENT ACT, 1962	1962	167
<i>The Supreme Court Act, 1935-1936, has also been amended by the Statutes Amendment (Public Salaries) Act, 1955.</i>		
Surgical Operation <i>see</i> Emergency Medical Treatment of Children.		
SURPLUS REVENUE ACT, 1938	1938	79
SURPLUS REVENUE ACT AMENDMENT ACT, 1951	1951	83
Surplus Revenue <i>see also</i> Public Finance.		
SURVEYORS ACT, 1935	8	216
SURVEYORS ACT AMENDMENT ACT, 1948	1948	101
SURVEYORS ACT AMENDMENT ACT, 1949	1949	90
SURVEYORS ACT AMENDMENT ACT, 1956	1956	114
SURVEYORS ACT AMENDMENT ACT, 1961	1961	55
SURVEYORS ACT, 1935-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
SURVIVAL OF CAUSES OF ACTION ACT, 1940	1940	313
SWINE COMPENSATION ACT, 1936	8	234
SWINE COMPENSATION ACT AMENDMENT ACT, 1940	1940	82

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
SWINE COMPENSATION ACT AMENDMENT ACT, 1946.....	1946	107
SWINE COMPENSATION ACT AMENDMENT ACT, 1951.....	1951	17
SWINE COMPENSATION ACT AMENDMENT ACT (No. 2), 1951	1951	85
SWINE COMPENSATION ACT AMENDMENT ACT, 1954.....	1954	71
SWINE COMPENSATION ACT AMENDMENT ACT, 1960.....	1960	27
SWINE COMPENSATION ACT AMENDMENT ACT, 1962.....	1962	126
TATIARA DRAINAGE TRUST ACT, 1949.....	1949	175
Tax Agents <i>see</i> Income Tax Assessment.		
Taxation <i>see</i> Amusement Duty (Suspension): Crown Rates and Taxes Recovery: Income Tax Assessment: Income Tax Collection: Income Tax (Rates): Income Tax Suspension: Income Tax (Wartime Concessions): Land Tax: Stamp Duties: Succession Duties.		
Taxi-Cabs <i>see</i> Local Government: Metropolitan Taxi-Cab: Road and Railway Transport.		
Teachers Salaries Board <i>see</i> Education.		
Teachers Superannuation <i>see</i> Superannuation.		
Technical Education of Apprentices <i>see</i> Apprentices.		
Technical Schools <i>see</i> Education.		
Technology, South Australian Institute of <i>see</i> School of Mines and Industries.		
Telegraphic Messages <i>see</i> Evidence.		
Temporary Housing <i>see</i> Building Operations.		
Tenants' Improvements <i>see</i> Agricultural Holdings.		
Testamentary Causes <i>see</i> Administration and Probate.		
TESTATOR'S FAMILY MAINTENANCE ACT, 1918.....	8	253
TESTATOR'S FAMILY MAINTENANCE ACT, 1943.....	1943	75
TESTATOR'S FAMILY MAINTENANCE ACT, 1918-1943 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
TEXTILE PRODUCTS DESCRIPTIONS ACT, 1953.....	1953	59
Theatres <i>see</i> Places of Public Entertainment.		
Third Party Insurance <i>see</i> Motor Vehicles.		
Thorium <i>see</i> Mining.		
Threats <i>see</i> Kidnapping.		
Time <i>see</i> Standard Time.		

Title or Subject Matter.	Volume.	Page.
TOBACCO INDUSTRY PROTECTION ACT, 1934	8	259
Torrens Island <i>see</i> Electricity Trust of South Australia (Torrens Island Power Station).		
Torts <i>see</i> Survival of Causes of Action : Wrongs.		
Totalizator <i>see</i> Lottery and Gaming : Stamp Duties.		
TOWN PLANNING ACT, 1929	8	261
TOWN PLANNING ACT AMENDMENT ACT, 1955	1955	183
TOWN PLANNING ACT AMENDMENT ACT, 1956	1956	130
TOWN PLANNING ACT, 1929-1956 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	1956	278
TOWN PLANNING ACT AMENDMENT ACT, 1957	1957	155
TOWN PLANNING ACT, 1929-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
Trade Descriptions <i>see</i> Goods (Trade Descriptions): Textile Products Descriptions.		
THE TRADE UNION ACT, 1876-1935	8	270
Trade Unions <i>see also</i> Industrial.		
Trade Schools <i>see</i> Education.		
TRADING STAMP ACT, 1924-1935	8	280
Transfusion, Blood <i>see</i> Emergency Medical Treatment of Children.		
Trap Shooting <i>see</i> Prevention of Cruelty to Animals.		
Traffic <i>see</i> Local Government : Motor Vehicles : Police Offences : Road and Railway Transport : Road Traffic.		
Tramways <i>see</i> General Tramways : Municipal Tramways Trust.		
Transport Control <i>see</i> Emergency Powers : Local Government : Metropolitan Taxi-Cab : Metro- politan Transport Advisory Council : Road and Railway Transport : Road Traffic : Road Transport Administration (Barring of Claims).		
Travelling Stock <i>see</i> Crown Lands : Impounding : Pastoral : Soil Conservation : Stock and Poultry Diseases : Travelling Stock Waybills.		
THE TRAVELLING STOCK WAYBILLS ACT, 1911-1936	8	286
TRAVELLING STOCK WAYBILLS ACT AMENDMENT ACT, 1947	1947	36

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
THE TRAVELLING STOCK WAYBILLS ACT, 1911-1947 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
TRAVELLING STOCK WAYBILLS ACT AMENDMENT ACT, 1956	1956	59
TRAVELLING STOCK WAYBILLS ACT AMENDMENT ACT, 1960	1960	37
TREASURER'S INCORPORATION ACT, 1949	1949	52
Trees, Protection of <i>see</i> Crown Lands : Highways : Native Plants Protection : Local Government : Pastoral : Soil Conservation : Weeds.		
RESPASSING ON LAND ACT, 1951	1951	86
Trotting League <i>see</i> Lottery and Gaming.		
TRUSTEE ACT (No. 2), 1931	8	297
TRUSTEE ACT, 1936	8	303
TRUSTEE ACT AMENDMENT ACT, 1940	1940	20
TRUSTEE ACT AMENDMENT ACT, 1941	1941	212
TRUSTEE ACT AMENDMENT ACT, 1942	1942	43
TRUSTEE ACT, 1936-1942 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1942	185
TRUSTEE ACT AMENDMENT ACT, 1946	1946	119
TRUSTEE ACT AMENDMENT ACT, 1950	1950	7
TRUSTEE ACT AMENDMENT ACT, 1953	1953	152
TRUSTEE ACT, 1936-1953 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
Trust, National <i>see</i> National Trust of South Australia.		
TUBERCULOSIS (COMMONWEALTH ARRANGEMENT) ACT, 1949	1949	201
Tuberculosis <i>see also</i> Health.		
UNAUTHORIZED DOCUMENTS ACT, 1916	8	342
UNCLAIMED MONEYS ACT, 1891-1935	8	345
UNCLAIMED MONEYS ACT AMENDMENT ACT, 1962	1962	50
Uncontrolled Children <i>see</i> Maintenance.		

Table of Public General Acts.

635

Title or Subject Matter.	Volume.	Page.
UNDERGROUND WATERS PRESERVATION ACT, 1959 Unemployment Collections <i>see</i> Collections for Charitable Purposes.	1959	165
UNEMPLOYMENT RELIEF COUNCIL ACT, 1930 Unemployment Relief <i>see also</i> Commonwealth Powers. Uniform Railway Gauge <i>see</i> Commonwealth Powers : Railways Standardization Agreement. Unions <i>see</i> Industrial : Trade Union.	8	348
UNIVERSITY OF ADELAIDE ACT, 1935-1936	8	352
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1937	1937	3
UNIVERSITY OF ADELAIDE ACT, 1935-1937 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).	—	—
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1942	1942	34
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1943	1943	71
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1946	1946	23
UNIVERSITY OF ADELAIDE ACT AMENDMENT ACT, 1950 University of Adelaide <i>see also</i> Waite Agricultural Research Institute Grant.	1950	17
URANIUM MINING ACT, 1949	1949	54
URANIUM MINING ACT AMENDMENT ACT, 1951	1951	41
URANIUM MINING ACT AMENDMENT ACT, 1952	1952	39
URANIUM MINING ACT AMENDMENT ACT, 1954 Uranium <i>see also</i> Mining : Prohibited Areas (Application of State Laws). Uranium Production Working Account <i>see</i> Loan Money Appropriation (Working Accounts).	1954	139
VACCINATION ACT, 1936 Valuers <i>see</i> Appraisers. Vegetables <i>see</i> Fruit and Vegetables (Grading) : Fruit and Vegetables (Prevention of Injury) : Vine, Fruit and Vegetable Protection. Vehicles Licensing <i>see</i> Road Traffic.	8	367
VENEREAL DISEASES ACT, 1947 Venereal Diseases <i>see also</i> Aborigines : Criminal Law Consolidation.	1947	149

Table of Public General Acts.

Title or Subject Matter.	Volume.	Page.
VERMIN ACT, 1931-1936	8	396
VERMIN ACT AMENDMENT ACT, 1939	1939	122
VERMIN ACT AMENDMENT ACT, 1942	1942	126
VERMIN ACT AMENDMENT ACT, 1943	1943	16
VERMIN ACT AMENDMENT ACT, 1944	1944	92
VERMIN ACT AMENDMENT ACT, 1945	1945	44
VERMIN ACT AMENDMENT ACT, 1953	1953	17
VERMIN ACT AMENDMENT ACT, 1954	1954	73
VERMIN ACT AMENDMENT ACT, 1957	1957	143
VERMIN ACT, 1931-1957 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
VERMIN ACT AMENDMENT ACT, 1959	1959	100
VERMIN ACT AMENDMENT ACT, 1960	1960	112
VERMIN ACT AMENDMENT ACT, 1962	1962	131
<i>The Vermin Act, 1931-1936, has also been amended by the Loans for Fencing and Water Piping Act, 1938.</i>		
Vermin Destroyers <i>see</i> Agricultural Chemicals.		
VETERINARY DISTRICTS ACT, 1940	1940	315
Veterinary Hospitals <i>see</i> Local Government.		
Veterinary Medicines <i>see</i> Stock Medicines.		
Veterinary Science <i>see</i> Institute of Medical and Veterinary Science.		
VETERINARY SURGEONS ACT, 1935-1936	8	511
VETERINARY SURGEONS ACT AMENDMENT ACT, 1938	1938	132
VETERINARY SURGEONS ACT AMENDMENT ACT, 1952	1952	157
VETERINARY SURGEONS ACT, 1935-1952 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	—	—
VETERINARY SURGEONS ACT AMENDMENT ACT, 1957	1957	33
VINE, FRUIT, AND VEGETABLE PROTECTION ACT, 1885-1936	8	525

Title or Subject Matter.	Volume.	Page.
VINE, FRUIT, AND VEGETABLE PROTECTION ACT AMENDMENT ACT, 1959	1959	76
Vineyards Protection <i>see</i> Phylloxera.		
Vivisection <i>see</i> Prevention of Cruelty to Animals.		
Voluntary Payments for Local Government Offences <i>see</i> Police Offences.		
VOLUNTEER FIRE FIGHTERS FUND ACT, 1949	1949	217
VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT ACT, 1957	1957	89
Wages <i>see</i> Industrial : Masters and Servants.		
Wages Attachment <i>see</i> Mercantile Law.		
WAITE AGRICULTURAL RESEARCH INSTITUTE GRANT ACT, 1948	1948	163
Waite Agricultural Research Institute <i>see also</i> University of Adelaide.		
WALLAROO DISTILLERY ACT, 1948.....	1948	242
WANDILO AND GLENCOE RAILWAY (DISCONTINUANCE) ACT, 1959	1959	78
WAREHOUSEMEN'S LIENS ACT, 1941	1941	64
War Emergency Powers <i>see</i> Emergency Powers.		
War Emergency Supplies <i>see</i> Emergency Supplies.		
WAR FUNDS REGULATION ACT, 1916-1935	8	534
War Funds <i>see also</i> Collections for Charitable Purposes.		
War Restrictions <i>see</i> Economic Stability : Emergency Powers : Landlord and Tenant (Control of Rents).		
WAR SERVICE HOMES AGREEMENT ACT, 1934	8	542
War Service Homes <i>see also</i> Advances for Homes.		
WAR SERVICE LAND SETTLEMENT AGREEMENT ACT, 1945 ..	1945	142
War Service Land Settlement <i>see also</i> Livestock (War Service Land Settlement).		
WAR SERVICE (PREFERENCE IN EMPLOYMENT) ACT, 1943..	1943	118
War Service (Preference in Employment) <i>see also</i> Public Service.		
WAR SERVICE RIGHTS (STATE EMPLOYEES) ACT, 1945	1945	151
WAR TERMS REGULATION ACT, 1920	8	547

Title or Subject Matter.	Volume.	Page.
WATER CONSERVATION ACT, 1936	8	549
Water Conservation Loans <i>see</i> Loans for Water Conservation.		
Water Piping Loans <i>see</i> Loans for Fencing and Water Piping.		
Water, Pollution of by Oil <i>see</i> Prevention of Pollution of Waters by Oil.		
WATER RATES REMISSION ACT, 1957	1957	35
Water Supply Loans <i>see</i> Loans for Water Conservation.		
Water, Underground <i>see</i> Underground Waters Preservation.		
WATERWORKS ACT, 1932-1936	8	579
WATERWORKS ACT AMENDMENT ACT, 1954	1954	136
WATERWORKS ACT AMENDMENT ACT, 1956	1956	29
WATERWORKS ACT AMENDMENT ACT, 1962	1962	168
Waterworks <i>see also</i> Northern Areas and Whyalla Water Supply: Radium Hill Water Supply Agreement.		
Waybills for Stock <i>see</i> Travelling Stock Waybills.		
WEEDS ACT, 1956	1956	135
WEIGHTS AND MEASURES ACT, 1934	8	626
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1938 ...	1938	3
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1939	1939	27
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1940 ...	1940	77
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1941	1941	50
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1944.....	1944	182
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1953 ...	1953	23
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1958 ...	1958	24
WEIGHTS AND MEASURES ACT, 1934-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>).....	—	—
WEIGHTS AND MEASURES ACT AMENDMENT ACT, 1962 ...	1962	171
<i>The Weights and Measures Act, 1934, has also been amended by the Statute Law Revision Act, 1952.</i>		
Wells <i>see</i> Underground Waters Preservation.		

Table of Public General Acts.

639

Title or Subject Matter.	Volume.	Page.
WEST BEACH RECREATION RESERVE ACT, 1954	1954	213
West Terrace Cemetery <i>see</i> Table of Public Acts of Restricted Application.		
WHALING ACT, 1937	1937	68
Wheat Bulk Handling <i>see</i> Bulk Handling of Grain.		
WHEAT INDUSTRY STABILIZATION ACT, 1946	1946	239
WHEAT INDUSTRY STABILIZATION ACT, 1958	1958	222
WHEAT PRICE STABILIZATION SCHEME BALLOT ACT, 1953..	1953	148
WHEAT PRICE STABILIZATION SCHEME BALLOT ACT AMEND- MENT ACT, 1954	1954	15
WHEAT STABILIZATION SCHEME BALLOT ACT, 1948	1948	86
WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1915-1934	8	654
Whyalla Blast Furnace <i>see</i> Broken Hill Proprietary Company's Indenture.		
Whyalla City Commission <i>see</i> City of Whyalla Com- mission.		
Whyalla Town Lands <i>see</i> Crown Lands.		
Whyalla Water Supply <i>see</i> Northern Areas and Whyalla Water Supply.		
Width of Tires <i>see</i> Road Traffic.		
WILD DOGS ACT, 1931	8	657
WILD DOGS ACT AMENDMENT ACT, 1938	1938	37
WILD DOGS ACT AMENDMENT ACT, 1948	1948	185
WILD DOGS ACT AMENDMENT ACT, 1951.....	1951	91
WILD DOGS ACT AMENDMENT ACT, 1953	1953	18
WILD DOGS ACT AMENDMENT ACT, 1954	1954	16
WILD DOGS ACT AMENDMENT ACT, 1961	1961	134
WILD DOGS ACT, 1931-1961 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	---	---
Wild Dogs <i>see also</i> Dog Fence.		
Wildflowers Protection <i>see</i> Native Plants Protection.		
Wild Life Reserves <i>see</i> National Park.		

Title or Subject Matter.	Volume.	Page.
WILLS ACT, 1936	8	665
WILLS ACT AMENDMENT ACT, 1940	1940	21
Wills <i>see also</i> Administration and Probate : Aged and Infirm Persons' Property : Law of Property.		
Wine Adulteration <i>see</i> Food and Drugs : Licensing.		
WOODLANDS PARK TO TONSLEY RAILWAY ACT, 1955	1955	146
Woods and Forests <i>see</i> Forestry : Local Government (Forestry Reserves).		
Woods and Forests Working Account <i>see</i> Loan Money Appropriation (Working Accounts).		
Wool Dealers <i>see</i> Hide, Skin, and Wool Dealers.		
Wool Liens <i>see</i> Stock Mortgages and Wool Liens.		
Wool Products <i>see</i> Textile Products Description.		
WORKMEN'S COMPENSATION ACT, 1932-1935	8	693
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1938.	1938	274
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1940 ..	1940	339
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1941 ..	1941	242
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1943 .	1943	120
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1944....	1944	108
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1947 .	1947	156
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1950	1950	78
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1951..	1951	45
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1953 .	1953	105
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1954 .	1954	235
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1955 .	1955	152
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1956 .	1956	149
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1958 .	1958	155
WORKMEN'S COMPENSATION ACT, 1932-1958 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1958	271
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1960 .	1960	29

Title or Subject Matter.	Volume.	Page.
WORKMEN'S COMPENSATION ACT AMENDMENT ACT, 1961 .	1961	175
THE WORKMEN'S LIENS ACT, 1893-1936	8	733
Works <i>see</i> Commonwealth Powers.		
WRONGS ACT, 1936	8	750
WRONGS ACT AMENDMENT ACT, 1939	1939	97
WRONGS ACT AMENDMENT ACT, 1940	1940	151
WRONGS ACT AMENDMENT ACT, 1944	1944	33
WRONGS ACT AMENDMENT ACT, 1951	1951	138
LIMITATION OF ACTIONS AND WRONGS ACTS AMENDMENT ACT, 1956	1956	44
WRONGS ACT AMENDMENT ACT, 1956	1956	152
WRONGS ACT AMENDMENT ACT, 1958	1958	220
WRONGS ACT AMENDMENT ACT, 1959	1959	119
WRONGS ACT, 1936-1959 (<i>As reprinted pursuant to the Amendments Incorporation Act, 1937</i>)	1959	352
<i>The Wrongs Act, 1939, has also been amended by the Statute Law Revision Act, 1952.</i>		
Wrongs <i>see also</i> Survival of Causes of Action.		
Zoning of Milk Deliveries <i>see</i> Metropolitan Milk Supply.		

TABLE OF PUBLIC ACTS WHICH ARE OBSOLETE OR
SUPERSEDED OR OF LOCAL OR RESTRICTED
APPLICATION.

The following table contains a list of the public Acts of the Parliament of South Australia passed up to the end of 1962 which were unrepealed as at that time and which were of a local or restricted application or of which the operation had been superseded by Commonwealth legislation or wholly or partially exhausted. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number
Adelaide Electric Supply Company's Act, 1931	1931	2009
The Adelaide Electric Supply Company Act, 1944	1944	17
<i>See also</i> (in the Table of Public General Acts) Electricity Trust of South Australia Act, 1946, <i>and</i> (in the Table of Private Acts) The South Australian Electric Light and Motive Power Company's Act, 1897 <i>and</i> The Adelaide Electric Supply Company's Act, 1922		
The Adelaide Gaol Reserve Alteration Act, 1911	1911	1039
Adelaide Park Lands Act, 1928	1928	1868
The Adelaide Park Lands Alteration Act, 1913	1913	1140
Adelaide Park Lands Alteration Act, 1917	1917	1275
Adelaide Park Lands Alteration Act, 1961	1961	5
Adelaide Park Lands Appropriation Act, 1880	1880	171
The Adelaide Show Grounds Act, 1913	1913	1136
Adelaide Show Grounds Act Amendment Act, 1923	1923	1590
Adelaide Show Grounds Act Amendment Act, 1925	1925	1706
Adelaide Show Grounds Act Amendment Act, 1935	1935	2202
Alberton Cemetery Act, 1938	1938	2396
Angas Recreation Park Act, 1937	1937	2347
Appropriation Act, 1936	1936	2295
Appropriation Act, 1937	1937	2349
Appropriation Act (No. 2), 1937	1937	2364
Appropriation Act, 1938	1938	2397
Appropriation Act, 1939	1939	10
Appropriation Act, 1940	1940	17
Appropriation Act (No. 2), 1940	1940	30
Appropriation Act, 1941	1941	9
Appropriation Act (No. 2), 1941	1941	33
Appropriation Act, 1942	1942	9
Appropriation Act, 1943	1943	10
Appropriation Act, 1944	1944	12

Title of Act.	Year.	Number
Appropriation Act, 1945	1945	5
Appropriation Act, 1946	1946	13
Appropriation Act (No. 1), 1947	1947	2
Appropriation Act (No. 2), 1947	1947	16
Appropriation Act, 1948	1948	7
Appropriation Act (No. 2), 1948	1948	28
Appropriation Act (No. 1), 1949	1949	1
Appropriation Act (No. 2), 1949	1949	30
Appropriation Act (No. 1), 1950	1950	1
Appropriation Act (No. 2), 1950	1950	12
Appropriation Act (No. 1), 1951	1951	1
Appropriation Act (No. 2), 1951	1951	26
Appropriation Act (No. 1), 1952	1952	1
Appropriation Act (No. 2), 1952	1952	26
Appropriation Act (No. 1), 1953	1953	1
Appropriation Act (No. 2), 1953	1953	17
Appropriation Act (No. 1), 1954	1954	1
Appropriation Act (No. 2), 1954	1954	26
Appropriation Act (No. 1), 1955	1955	2
Appropriation Act (No. 2), 1955	1955	22
Appropriation (Grasshopper Destruction) Act, 1955	1955	53
Appropriation Act (No. 1), 1956	1956	1
Appropriation Act (No. 2), 1956	1956	11
Appropriation (Flood Relief) Act, 1956	1956	3
Appropriation (Flood Relief) Act (No. 2), 1956	1956	40
Appropriation Act (No. 1), 1957	1957	4
Appropriation Act (No. 2), 1957	1957	20
Appropriation Act (No. 1), 1958	1958	1
Appropriation Act (No. 2), 1958	1958	12
Appropriation Act (No. 1), 1959	1959	1
Appropriation Act (No. 2), 1959	1959	12
Appropriation Act (No. 1), 1960	1960	2
Appropriation Act (No. 2), 1960	1960	29
Appropriation Act, 1961	1961	6
Appropriation Act (No. 1), 1962	1962	2
Appropriation Act (No. 2), 1962	1962	9
The Church of England in Australia Constitution Act, 1961	1961	43
The Copyright Act, 1878	1878	95
Da Costa Samaritan Fund (Incorporation of Trustees) Act, 1953	1953	54
The Drought Relief Act, 1914	1914	1165
Drought Relief Act Amendment Act, 1920	1920	1433
Drought Relief Act, 1919	1919	1397
Drought Relief Act, 1923	1923	1557
Drought Relief Act, 1926	1926	1731
Drought Relief Act, 1927	1927	1832
Drought Relief Act, 1928	1928	1886
Drought Relief (Extension) Act, 1928	1929	1926
The Encounter Bay, Goolwa, and Waitpinga Boundaries.. Act	1884	313
Exchange of Land (Hundred of Noarlunga) Act, 1959 ...	1959	11
Farmers Relief Act, 1931	1931	1996
Farmers Relief Act Extension Act, 1931	1931	2057

Title of Act.	Year.	Number.
Farmers Relief Act, 1932	1932	2100
Frost Relief Act, 1927	1927	1829
Funding Loan Act, 1932	1932	2086
Gladstone Park Lands Act, 1880	1880	178
Glenelg Soldiers' Memorial Site Act, 1921	1921	1468
Hailstorm Relief (Validation) Act, 1925	1925	1664
Henley and Grange Alignment Act, 1940.....	1940	8
Hummock Hill to Iron Knob Tramway Extension Act, 1927	1927	1821
<i>See also</i> (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, and the Broken Hill Proprietary Company's Steel Works Indenture Act, 1958, <i>and</i> (in the Table of Private Acts) The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900.		
The Insolvent Act, 1886	1886	385
The Insolvent Act Amendment Act, 1887	1887	404
The Insolvent Act Amendment Act, 1896	1896	655
The Insolvent Act Further Amendment Act, 1914.....	1914	1162
Insolvent Act Further Amendment Act, 1915	1915	1191
Insolvent Act Further Amendment Act, 1918.....	1918	1340
Insolvent Act Amendment Act, 1925	1925	1709
Insolvent Act Amendment Act, 1942	1942	18
John Miller Park Act, 1954	1954	54
Jubilee Exhibition Act, 1885	1885	351
Lady Kintore Cottages Act, 1920	1920	1430
Largs Fort Encroachment Act, 1884.....	1884	330
Legislative Council Vacancy Act, 1943	1943	40
Life Assurance Companies Act, 1936	1936	2283
Life Assurance Companies Act Amendment Act, 1939 ...	1939	42
Life Assurance Companies Act Amendment Act, 1941 ...	1941	40
Main Roads Fund Act, 1920.....	1920	1424
Main Roads Fund Act, 1922.....	1922	1535
Mareeba Babies Hospital Lease Act, 1951	1951	31
The Married Woman's Property Amendment Act, 1898 ..	1898	701
Mile End Overway Bridge Act, 1925	1925	1713
Mile End Overway Bridge Act Amendment Act, 1960....	1960	23
The Morphett Street Bridge Act	1881	222
Motor Spirit Vendors' Agreement (Validation) Act, 1927.	1927	1791
Mount Bold Waterworks Act, 1931	1931	2050
North Terrace and Railway Lands Act, 1926	1926	1742
North Terrace Alignment Act, 1925	1925	1715
North Terrace (Alignment) Act, 1929	1929	1928
Parliamentary Buildings Act, 1877	1877	87
Police Act, 1936	1936	2230
Police Pensions Act, 1930	1930	1952
The Poonindie Exchange Act, 1895	1895	631
The Poppy Day Trustee Deed Act. 1962	1962	50
Port Adelaide Canal Supplementary Act, 1889.....	1889	473
<i>See also</i> (in the Table of Private Acts) The Port Adelaide Canal Act		
Port Adelaide Public Recreation Ground Act, 1877	1878	91
Port Adelaide Reserves Act, 1871	1871	6

Table of Public Acts of Restricted Application. 645

Title of Act.	Year.	Number.
Port Augusta Park Lands Act, 1882	1882	258
Port Augusta Sub-Branch R.S.S. and A.I.L.A. (Purchase of Land) Act, 1952	1952	11
The Port Lincoln Catholic Church Property Act	1879	134
Port Pirie Drill Hall Site Act, 1921	1921	1470
Port Pirie Laboratory Site Act, 1922	1922	1537
Port Pirie Park Lands Act Repeal Act, 1951	1951	15
Port Pirie Racecourse Land Revestment Act, 1960	1960	28
Port Pirie Racecourse Site Act, 1946	1946	45
Public Purposes Loan Act, 1933	1933	2109
Public Purposes Loan Act, 1934	1934	2146
Public Purposes Loan Act, 1935	1935	2226
Public Purposes Loan Act, 1936	1936	2262
Public Purposes Loan Act, 1937	1937	2345
Public Purposes Loan Act, 1938	1938	2386
Public Purposes Loan Act, 1939	1939	7
Public Purposes Loan Act, 1940	1940	6
Public Purposes Loan Act, 1941	1941	12
Public Purposes Loan Act, 1942	1942	7
Public Purposes Loan Act, 1943	1943	5
Public Purposes Loan Act, 1944	1944	8
Public Purposes Loan Act, 1945	1945	7
Public Purposes Loan Act, 1946	1946	7
Public Purposes Loan Act, 1947	1947	12
Public Purposes Loan Act, 1948	1948	4
Public Purposes Loan Act, 1949	1949	11
Public Purposes Loan Act, 1950	1950	6
Public Purposes Loan Act, 1951	1951	13
Public Purposes Loan Act, 1952	1952	4
Public Purposes Loan Act, 1953	1953	4
Public Purposes Loan Act, 1954	1954	11
Public Purposes Loan Act, 1955	1955	11
Public Purposes Loan Act, 1956	1956	5
Public Purposes Loan Act, 1957	1957	10
Public Purposes Loan Act, 1958	1958	4
Public Purposes Loan Act (No. 1), 1959	1959	2
Public Purposes Loan Act (No. 2), 1959	1959	7
Public Purposes Loan Act, 1960	1960	21
Public Purposes Loan Act, 1961	1961	2
Public Purposes Loan Act, 1962	1962	6
Public Service Superannuation Fund (Arrangement) Act, 1960	1960	63
Pyap Irrigation Trust Act Amendment Act, 1926	1926	1772
<i>See also</i> (in the Table of Private Acts) The Pyap Irrigation Trust Act, 1923		
The Railway and Corporation Lands Act, 1904	1904	853
Railway Acts—		
<i>See also</i> Railway Acts (in the Table of Private Acts)		
Adelaide and Gawler Town Railway Act, 1854	1854	18
The Adelaide and Gawler Town Railway Extension Act	1857-8	10
The Adelaide and Gawler Town Railway Further Extension Act	1858	2
Adelaide City and Port Railway Act, 1851	1851	1

Title of Act.	Year.	Number.
Railway Acts—continued.		
Adelaide and Port Railway Loan Act, 1852	1852	12
Adelaide and Port Railway Loan Act, 1853	1853	18
The Adelaide and Port Adelaide Railway Extended Accommodation Act, 1873	1873	2
The Adelaide Loop-Line Railway Act, 1908	1908	966
The Adelaide Loop-Line Railway Act Amendment Act, 1909	1909	995
Adelaide to Nairne Railway Act, 1878	1878	117
Angle Pole Railway Act, 1887	1887	413
Barunga Gap Railway, 1877.....	1877	72
Blyth to Gladstone Railway Act, 1891	1891	522
The Brinkworth to Port Broughton Railway Act, 1910	1910	1015
Broadening of Gauge (Brinkworth to Gladstone) Act, 1925	1925	1667
Bumbunga to Lochiel Railway Act, 1923.....	1923	1595
Burra and Hallett Railway Act, 1876	1876	31
The Darke's Peak Railway Act, 1909	1909	982
The Darke's Peak Railway Act Amendment, 1911 ..	1911	1042
The District Railways Act, 1911	1911	1067
Dry Creek and Port Adelaide Railway Act, 1866 ...	1866-7	15
The Dry Creek and Port Adelaide Deviation Act, 1911	1911	1051
Farina Town and Hergott Springs Railway Act, 1881	1881	226
Forrester's to Burra Railway Act, 1867	1867	20
The Gawler to Angaston Railway Act, 1907	1907	942
The Gawler to Angaston Railway Act Amendment Act, 1909	1909	984
The Gawler to Angaston Railway Act Amendment Act, 1910	1910	1016
The Gawler Town Railway Further Extension Act to Section 1403	1859	20
The Gladstone and James Town Railway Act, 1876 ..	1876	28
Gladstone and Laura Railway Act, 1882	1882	253
The Glenelg Railways Purchase Act, 1899	1899	726
The Goodwood to Willunga Railway Act, 1909	1909	993
The Goodwood to Willunga Railway Act, 1910	1910	1017
The Grange and Henley Beach Railway Act, 1898 ..	1898	698
The Grange and Henley Beach Railway Alteration Act, 1911	1911	1041
The Goolwa Loop Line Railway Act, 1913	1913	1145
The Guaranteed Railways Act Amendment Act, 1913	1913	1113
Hallett to Terowie Railway Act, 1878	1878	97
Hamley Bridge and Balaklava Railway Act, 1877 ..	1877	62
The Harbor and Railway Act, 1901	1901	765
The Harbor and Railway Extension Act, 1910	1910	1011
Hergott Springs and Primrose Springs Railway Act, 1883	1883	281
The Hundred of Solomon and Decres Bay Railways Act, 1912	1912	1080
The Hundred of Solomon and Decres Bay Railway Act Amendment Act, 1913	1913	1142
Kadina and Wallaroo Railway Act, 1877.....	1877	76
Kadina and Wallaroo Railway Act, 1879.....	1879	149
Kadina to Barunga Gap Railway Act, 1876	1876	40

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
Kapunda and North-West Bend Railway Act, 1876 .	1876	27
Kielpa to Mangalo Hall Railway Act, 1916	1916	1265
Kimba to Buckleboo Railway Act, 1923	1923	1592
Kowulka Branch Railway Act, 1948.....	1948	37
The Laura to Booleroo Centre Railway Act, 1907 ...	1907	941
The Laura to Booleroo Centre Railway Act Amend- ment Act, 1910	1910	1014
Moonta and Gawler Town Railways Acts Repealing Act, 1931	1931	2038
Mount Barker and Strathalbyn Railway Act, 1881 ..	1881	221
Mount Gambier and Naracoorte Railway Act, 1884 ..	1884	327
The Mount Hope Railway Act, 1912.....	1912	1094
The Mount Pleasant, Sedan, and Truro Railways Act, 1914	1914	1180
The Nairne to the Victorian Border Railway Act, 1882	1882	265
Nairne to Victorian Border Railway Deviation Act, 1924	1924	1622
Naracoorte to Tatiara Railway Act, 1879	1879	131
North-Western Railways System Development Act, 1917	1917	1307
Palmer to Monarto Railway Act, 1916	1916	1266
The Paringa to Renmark Railway Act, 1914	1914	1177
The Peebinga, Paringa, Loxton and Waikerie Railways Act, 1912	1912	1088
Pinnaroo Railway Act	1903	831
Pinnaroo Railway Act Amendment Act, 1907	1907	928
The Pinnaroo Railway Act Further Amendment Act, 1908	1908	955
The Pinnaroo Railway Act Further Amendment Act, 1914	1914	1176
The Petersburg and Border Railway Act, 1884	1884	328
The Petersburg and Border Railway Amendment Act, 1886	1886	377
The Port Adelaide and Semaphore Railway Act, 1874	1874	13
Port Adelaide and Semaphore Railway Act Amend- ment Act, 1875	1875	14
The Port Adelaide and Semaphore Railway Amend- ment Act, 1880	1880	174
Port Adelaide and Semaphore Railway Deviation Act, 1917	1917	1297
Port Adelaide and Semaphore Railway Deviation Act Amendment Act, 1922	1922	1526
The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908	1908	965
Port Augusta and Government Gums Railway Act, 1876	1876	26
The Port Augusta and Northern Railway Act, 1862 ..	1862	28
The Port Broughton Railway Act	1873	7
The Port Lincoln Railway Act, 1905	1905	882
The Port Lincoln Railway Extension Act, 1907	1907	932
The Port Lincoln Railway Extension Act, 1909	1909	985

648 Table of Public Acts of Restricted Application.

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
The Port Pirie Railway Act	1873	8
The Port Wakefield and Kadina Railway Act	1873	9
The Port Wakefield to Hoyles Plains Tramway Act, 1866	1866-7	25
The Port Wakefield and Hoyle's Plains Tramway Extension Act	1873	10
Railway Crossings (Bowden) Act, 1922	1922	1524
The Railway Deviations Act, 1896	1896	661
Railways Guarantees Abolition Act, 1917	1917	1288
Railways Guarantees Abolition Act Amendment Act, 1918	1918	1328
Railways Transfer Act, 1927	1927	1840
Renmark to Barmera Railway Act, 1925	1925	1675
The Riverton to Spalding Railway Act, 1913	1913	1129
Rivoli Bay North and Mount Gambier Railway Act, 1876	1876	30
The Robertstown Railway Act, 1911	1911	1070
The Robertstown Railway Act Amendment Act, 1912	1912	1081
Roseworthy to Forrester's Railway Act, 1866-7.....	1866-7	24
Roseworthy to Forrester's Railway Amendment Act, 1867	1867	18
The Salisbury to Long Plains Railway Act, 1913....	1913	1139
The South-Eastern Railway Act, 1871	1871	7
Strathalbyn and Middleton Tramway Act, 1866.....	1866	1
The Strathalbyn and Victor Harbor Railway Act, 1883	1883	294
The Tailern Bend and Brown's Well Railway Act, 1909	1909	980
Tatiara to Border Town Railway Act, 1881	1881	200
Terowie to Pichirichi Railway Act, 1878	1878	103
Victor Harbor and Strathalbyn Tramways Amend- ment Act, 1869-70	1869-70	14
The Wallaroo Railway Station Extension Act, 1886	1886	371
Wallaroo to Moonta Railway Act, 1890	1890	490
Wanbi to Moorook Railway Act, 1923	1923	1586
Wandana to Penong Railway Act, 1917.....	1917	1292
The Wandilo and Glencoe Railway Act, 1903	1903	843
The Wandilo and Glencoe Railway Act Amendment Act, 1909	1909	990
The Wilmington Railway Act, 1913	1913	1137
Road (Hundred of MacDonnell) Acquisition Act, 1923 ..	1923	1578
Road (Thebarton State School) Acquisition Act, 1918 ...	1918	1345
Road (Wirrabara Forest) Acquisition Act, 1917	1917	1315
Roads Loan Act, 1923	1923	1579
Roads (Magill Home and Yatala Quarry) Acquisition Act, 1915	1915	1219
South Australian Gas Company's Act Amendment Act, 1952	1952	12
<i>See also</i> (in the Table of Private Acts) The South Australian Gas Company's Act, 1861.		
South-Eastern Lands Contract Annulment Act, 1917....	1917	1300
Statute Law Revision Act, 1934	1934	2168

Table of Public Acts of Restricted Application. 649

Title of Act.	Year.	Number.
Statute Law Revision Act, 1935	1935	2246
Statute Law Revision Act, 1936	1936	2293
Statute Law Revision Act (No. 2), 1936	1936	2316
Strathalbyn Soldiers' Memorial Gardens Act, 1940	1940	51
Succession Duties (Peter Waite Benefactions) Act, 1920 ..	1920	1422
Supply Act (No. 1), 1936	1936	2260
Supply Act (No. 2), 1936	1936	2275
Supply Act (No. 1), 1937	1937	2338
Supply Act (No. 2), 1937	1937	2339
Supply Act (No. 1), 1938	1938	2382
Supply Act (No. 2), 1938	1938	2385
Supply Act (No. 1), 1939	1939	1
Supply Act (No. 2), 1939	1939	2
Supply Act (No. 1), 1940	1940	1
Supply Act (No. 2), 1940	1940	3
Supply Act (No. 1), 1941	1941	1
Supply Act (No. 2), 1941	1941	3
Supply Act (No. 1), 1942	1942	1
Supply Act (No. 2), 1942	1942	2
Supply Act (No. 1), 1943	1943	2
Supply Act (No. 2), 1943	1943	4
Supply Act (No. 1), 1944	1944	1
Supply Act (No. 2), 1944	1944	3
Supply Act (No. 1), 1945	1945	1
Supply Act (No. 2), 1945	1945	3
Supply Act (No. 1), 1946	1946	2
Supply Act (No. 2), 1946	1946	5
Supply Act (No. 1), 1947	1947	1
Supply Act (No. 2), 1947	1947	4
Supply Act (No. 1), 1948	1948	1
Supply Act (No. 1), 1949	1949	2
Supply Act (No. 2), 1949	1949	4
Supply Act (No. 1), 1950	1950	2
Supply Act (No. 2), 1950	1950	3
Supply Act (No. 1), 1951	1951	2
Supply Act (No. 2), 1951	1951	3
Supply Act (No. 1), 1952	1952	2
Supply Act (No. 2), 1952	1952	3
Supply Act (No. 3), 1952	1952	17
Supply Act (No. 1), 1953	1953	2
Supply Act (No. 2), 1953	1953	3
Supply Act (No. 1), 1954	1954	2
Supply Act (No. 2), 1954	1954	3
Supply Act (No. 3), 1954	1954	16
Supply Act (No. 1), 1955	1955	1
Supply Act (No. 2), 1955	1955	5
Supply Act (No. 3), 1955	1955	16
Supply Act (No. 1), 1956	1956	2
Supply Act (No. 2), 1956	1956	4
Supply Act (No. 1), 1957	1957	5
Supply Act (No. 2), 1957	1957	7
Supply Act (No. 3), 1957	1957	13
Supply Act (No. 1), 1958	1958	2
Supply Act (No. 2), 1958	1958	3

650 Table of Public Acts of Restricted Application.

Title of Act.	Year.	Number.
Supply Act (No. 1), 1959	1959	3
Supply Act (No. 2), 1959	1959	4
Supply Act (No. 3), 1959	1959	9
Supply Act (No. 1), 1960	1960	9
Supply Act (No. 1), 1961	1961	1
Supply Act (No. 1), 1962	1962	1
Supply Act (No. 2), 1962	1962	3
Supply Act (No. 3), 1962	1962	4
The Transcontinental Railway Grant Act, 1911.....	1911	1069
The Transcontinental Railway Land Grant Amendment Act, 1912	1912	1079
Transcontinental Railway Land Grant Act Amendment Act, 1924	1924	1608
The University Land Act, 1929	1929	1944
Victor Harbor Foreshore Act, 1917	1917	1281
Victor Harbor Foreshore Act, 1926	1926	1750
Voluntary Wheat Pool Agreement Ratification Act, 1924.	1924	1620
Voluntary Wheat Pool Agreement Ratification Act, 1925	1925	1690
Wallaroo Park Lands Resumption Act, 1924	1924	1626
The Wallaroo Railway Lands Act, 1912.....	1912	1085
Water Frontages Repeal Act, 1960	1960	40
The West Terrace Cemetery Extension Act, 1904	1904	852
West Terrace Cemetery (Soldiers' Section) Extension Act, 1944	1944	11
The Wolseley Educational Lands Resumption Act, 1883 .	1883-4	301
Young Men's Christian Association of Port Pirie Act, 1918	1918	1349
Young Men's Christian Association of Port Pirie Act Amendment Act 1951	1951	28
The Young Women's Christian Association of Port Pirie Incorporated (Port Pirie Parklands) Act, 1955	1955	19

TABLE OF PRIVATE ACTS.

The following table contains a list of the private Acts of the Parliament of South Australia passed up to the end of 1962 and which were unrepealed as at that time. These Acts are not included in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Title of Act.	Year.	Number.
The Adelaide Electric Supply Company's Act, 1922..... <i>See also</i> The South Australian Electric Light and Motive Power Company's Act, 1897 <i>and</i> (in the Table of Public General Acts) Electricity Trust of South Australia Act, 1946, <i>and</i> (in the Table of Public Acts of Restricted Application) The Adelaide Electric Supply Company's Act, 1931 : The Adelaide Electric Supply Company Act, 1944.	1922	—
The Adelaide Fruit and Produce Exchange Act, 1903 ...	1903	—
Adelaide Marine and Fire Assurance Company Act, 1864	1864	—
The Adelaide Marine and Fire Assurance Company Act Amendment Act, 1881	1881	—
The Adelaide Marine and Fire Assurance Company Further Amendment Act, 1885	1885	—
Adelaide Synagogue Act, 1881	1881	—
The Adelaide Synagogue Act, 1881, Amendment Act ...	1895	—
Adelaide Workmen's Homes Incorporated Act, 1933.....	1933	—
Angas College Trusts Act, 1921	1921	—
Australian Mutual Provident Society Act, 1874	1874	—
Australian Trust Company Act, 1861	1861	—
Bagot's Executor Company Act	1910	—
Bank of Adelaide Act, 1865	1865	—
The Bank of Adelaide Act Amendment Act, 1904	1904	—
The Bank of Adelaide Act Amendment Act, 1920.....	1920	—
The Bank of Adelaide's Registration under the Companies Act 1892 Act	1928	—
Boy Scouts Association—South Australian Branch—Incorporation Act.....	1940	—
The Catholic Church Endowment Society, Incorporated, Sale of Lands Act	1896	—
Charles Birks & Co. Limited Employees' Welfare Trust Act, 1946	1946	—
The Church of England Clergy Superannuation Act, 1935	1935	—
Church of England Endowment Society Act	1891	—
Church of England Succession Act	1893	—
Church of Saint Mary Magdalene, Adelaide, Alteration of Trusts Act, 1919	1919	—
The Church of The Holy Trinity, Adelaide, Revocation and Alteration of Trusts and Sale of Land Act, 1919....	1919	—
Commercial Bank Act, 1878	1878	—
The Corporation of St. John's Church Act, 1886	1886	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1920	1920	—
The Corporation of St. John's Church Act, 1886, Amendment Act, 1948	1948	—
The David Bower Estate Act, 1920	1920	—

Table of Private Acts.

Title of Act.	Year.	Number.
The East-End Market Act, 1872	1872	—
Elders Executor Company's Act, 1910	1910	—
Elders Executor Company's Amendment Act, 1915	1915	—
Executors Company's Act, 1885	1885	—
Executors Company's Amendment Act, 1900	1900	—
Executors Company's Amendment Act, 1915	1915	—
Farmers Co-operative Executors Act, 1919	1919	—
Hagen Lands Act, 1852	1852	—
James Brown Memorial Trust Incorporation Act, 1894	1894	—
The James Umpherston Trusts Act, 1926	1926	—
Kensington and Norwood Boundaries Act, 1878	1878	—
Kingsland Irrigation Company Act, 1922	1922	—
Leigh Trust Incorporation Act, 1929	1929	—
The Liverpool and London and Globe Insurance Company's Act of 1879	1879	—
The Loxton District Hospital Purposes Act, 1927	1927	—
Mercantile Marine Insurance Company Act, 1869-70	1869-70	—
The Mercantile Marine and Fire Insurance Company's Amending Act	1878	—
The Methodist Church Act, 1911	1911	—
Methodist Ladies College Incorporation Act, 1920	1920	—
The Methodist Union Act, 1900	1900	—
Moonta Gas Company's Act	1873	—
Moonta Gas Company's Sale Act, 1882	1882	—
Murray River Company Act, 1853	1853	—
The Naracoorte Town Square Act, 1952	1952	—
National Marine and Fire Insurance Company Act, 1867	1867	—
National Marine Insurance Company's Act Amendment Act, 1873	1873	—
The Parkin Congregational Mission of South Australia Act, 1961	1961	—
The Parkin Trust Incorporated Act, 1926	1926	—
The Parkin Trust Incorporated Act Amendment Act, 1961	1961	—
Paxton Title Act, 1885	1885	—
Port Adelaide Canal Act	1887	—
<i>See also</i> (in the Table of Public Acts of Restricted Application) The Port Adelaide Canal Supple- mentary Act, 1889		
The Presbyterian Church of South Australia Act	1899	—
Prince Alfred College Incorporation Act, 1878	1878	—
The Provincial Gas Company's Act	1868-9	—
Pyap Irrigation Trust Act, 1923	1923	—
<i>See also</i> (in the Table of Public Acts of Restricted Application) The Pyap Irrigation Trust Act Amend- ment Act, 1926		
Railway Acts—		
<i>See also</i> Railway Acts (in the Table of Public Acts of Restricted Application)		
Adelaide City and Port Railway Act, 1850	1850	1
Adelaide City and Port Railway Guarantee Act, 1850	1850	4
The Broken Hill Proprietary Company, Limited's Hummock Hill to Iron Knob Tramway and Jetties Act, 1900	1900	—

Title of Act.	Year.	Number.
<i>Railway Acts—continued.</i>		
<i>See also</i> (in the Table of Public General Acts) The Broken Hill Proprietary Company's Indenture Act, 1937, and the Broken Hill Proprietary Company's Steel Works Indenture Act, 1958, <i>and</i> (in the Table of Public Acts of Restricted Application) The Hummock Hill to Iron Knob Tramway Extension Act, 1927.		
Glenelg Railway Act Further Amendment Act, 1889.	1889	—
Grange and Military Road Railway Act	1878	—
Largs Bay Railway Act	1882	—
The Wallaroo Railway Act	1861	—
The Wallaroo Railway Amendment Act, 1862	1862	—
The Wallaroo Railway Further Amendment Act	1875	—
Returned Sailors and Soldiers' Imperial League Club (Licensing) Act, 1934	1934	—
River Murray Navigation Company Act, 1853	1853	—
Royal Institution for the Blind Act, 1934	1934	—
Saint Andrew's Church, Walkerville, Alteration of Trusts Act	1919	—
Saint Paul's Church, Port Adelaide, Sale of Lands Act	1914	—
Saint Peter's Collegiate School Ordinance, 1849	1849	1
Saint Peter's Collegiate School Ordinance Amendment Act	1889	—
The Salvation Army (South Australia) Property Trust Act, 1931	1931	—
Scotch College, Adelaide, Incorporation Act, 1922	1922	—
Stirling Trust Estate Act, 1857-8	1857-8	—
South Australian Banking Company Act, 1843	1843	—
South Australian Company Act, 1840	1840	8
South Australian Company's Land Act, 1852	1852	—
The South Australian Electric Light and Motive Power Company's Act, 1897	1897	—
<i>See also</i> The Adelaide Electric Supply Company's Act, 1922, <i>and</i> (in the Table of Public Acts of Restricted Application) the Adelaide Electric Supply Company's Act, 1931: The Adelaide Electric Supply Company Act, 1944.		
The South Australian Gas Company's Act, 1861	1861	—
South Australian Gas Company Amendment Act, 1874	1874	—
The South Australian Gas Company's Further Amendment Act, 1882	1882	—
South Australian Gas Company's Act, 1912	1912	—
South Australian Gas Company's Act, 1919	1919	—
<i>See also</i> (in the Table of Public General Acts) the Gas Act, 1924 <i>and</i> (in the Table of Public Acts of Restricted Application) the South Australian Gas Company's Act Amendment Act, 1952.		
South Australian Marine and Fire and Life Assurance Company Act, 1842	1842	—
South Australian Mining Association Act, 1851	1851	10
South Australian Mutual Insurance Association Act, 1853	1853	—
South Australian Mutual Life Assurance Society Act, 1880	1880	—
The South Australian Wesleyan Methodists Act, 1887	1887	—

Table of Private Acts.

Title of Act.	Year.	Number.
South Australian Widows' Fund and General Annuity Endowment Society Act, 1850	1850	13
The Spicer Cottages Trust Act, 1934	1934	—
The Spicer Cottages Trust Act Amendment Act, 1938	1938	—
St. George's Church, Woodforde, Revocation of Trusts and Sale of Lands Act, 1920	1920	—
The Thorngate Estate Act	1911	—
The Town and Country Bank Act, 1881	1881	—
Union Bank of Australia Act, 1850	1850	11
Way College Incorporation Act, 1899	1899	—
The Wyatt Benevolent Institution Incorporated Act	1935	—

TABLE OF ACTS REPEALED.

The following table contains a list of all Acts which have been repealed since the publication in April, 1937, of the South Australian Statutes, 1837-1936.

Title of Act Repealed.	Title of Repealing Act.
Aborigines Act, 1934-1939	Aboriginal Affairs Act, 1962
The Adelaide Gunpowder Magazine Act ...	Statute Law Revision Act, 1937
The Adulteration of Wine and Brandy Act, 1907.....	Adulteration of Wine and Brandy (Repeal) Act, 1941
The Amendments Incorporation Act, 1914 .	Amendments Incorporation Act, 1937
Associations Incorporation Act, 1939.....	Associations Incorporation Act, 1956
Banking Companies Act, 1935	Banking Companies Act Repeal Act, 1946
Bread Act, 1936.....	Bread Act, 1954
Bread Act Amendment Act, 1949	Statute Law Revision Act, 1957
Building Materials Act, 1945-1949	Building Materials Act, 1949
Building Materials Act, 1949-1951	Building Operations Act, 1952
Bush Fires Act, 1933-1957	Bush Fires Act, 1960
Collections for Unemployment Act, 1930 ...	Collections for Charitable Purposes Act, 1939
Commonwealth Powers (Air Navigation) Act, 1921	Air Navigation Act, 1937
Commonwealth Water Agreement Ratifica- tion Act, 1940	Commonwealth Water Agreement, Ratification Act Repeal Act, 1954
Companies Act, 1934-1960	Companies Act, 1962
Convicted Inebriates Act, 1913	Alcohol and Drug Addicts (Treat- ment) Act, 1961
Cornsacks Act, 1931-1935	Statute Law Revision Act, 1937
Debt Adjustment Act, 1929-1932	Statute Law Revision Act, 1957
Debt Adjustment Act, 1932	Statute Law Revision Act, 1957
Draught Stallions Act, 1932-1933	Draught Stallions Act Repeal Act, 1955
Employers' Liability Act, 1934.....	Wrongs Act Amendment Act, 1944
Fertilizers Act, 1918.....	Agricultural Chemicals Act, 1955
Firearms Act, 1956	Firearms Act, 1958
Firearms Registration Act, 1919	Firearms Act, 1958
Firearms Registration (River Murray) Act, 1929	Firearms Act, 1958
French Red Cross Fund Act, 1940	Statute Law Revision Act, 1952
Government Labour Exchange Act, 1931 ..	Statute Law Revision Act, 1957
The Guardianship of Infants Act, 1887	Guardianship of Infants Act, 1940
Hide and Leather Industries Act, 1948	Hide and Leather Industries Legislation Repeal Act, 1956
Hide and Leather Industries Act Suspension Act, 1954	Hide and Leather Industries Legislation Repeal Act, 1956
Hire-Purchase Agreements Act, 1931	Hire-Purchase Agreements Act, 1960
Imprint Act, 1863-1881	Imprint Act, 1951

Table of Acts Repealed.

Title of Act Repealed.	Title of Repealing Act.
Increase of Rent (War Restrictions) Act, 1939-1941	Landlord and Tenant (Control of Rents) Act, 1942
Inebriates Act, 1908-1934	Alcohol and Drug Addicts (Treatment) Act, 1961
Infectious Diseases Hospital Act, 1922-1943	Infectious Diseases Hospital Transfer Act, 1947
Inflammable Oils Act, 1908-1954	Inflammable Liquids Act, 1961
Insurance Companies (Deposits) Act, 1924-1931	Statute Law Revision Act, 1957
Juries Act, 1844	Statute Law Revision Act, 1937
Kowulka Railway Act, 1922	Kowulka Branch Railway Act, 1948
Land Agents Act, 1925-1950	Land Agents Act, 1955
Landlord and Tenant (Rent Reduction) Act, 1932-1936	Statute Law Revision Act, 1957
Land Settlement Act Extension Act, 1956 .	Land Settlement Act Amendment Act, 1957
Leigh Creek Coal Act, 1942	Electricity Trust of South Australia Act Amendment Act, 1946 Statute Law Revision Act, 1952
Life Assurance Companies Act (Partial Suspension) Act, 1943	Lifts Act, 1960
Lifts Regulation Act, 1908-1934	Loans for Fencing and Water Piping Act, 1938
Loans for Fencing and Water Piping Act, 1930	Margarine Act, 1939
Margarine Act, 1934	Gas Act Amendment Act, 1954
The Meters and Gas Act, 1881	Mining Act Amendment Act, 1941
The Mining on Private Property Act, 1909-1916	Money-lenders Act, 1940
Money-lenders Act, 1924	Statute Law Revision Act, 1957
National Bank of Australasia Act, 1859-1863	Broken Hill Proprietary Company's Steel Works Indenture Act, 1958
Northern Areas and Whyalla Water Supply Act, 1940	Weeds Act, 1956
Noxious Weeds Act, 1931-1939	Payment of Members of Parliament Act, 1948
Payment of Members of Parliament Act, 1936-1944	Agricultural Chemicals Act, 1955
Pest Destroyers Act, 1919-1934	Police Pensions Act, 1954
Police Pensions Act, 1929-1951	Water Frontages Act Repeal Act, 1960
Port Adelaide Water Frontage Act, 1886 . . .	Water Frontages Act Repeal Act, 1960
Port Adelaide Water Frontage Act, 1902 ..	Water Frontages Act Repeal Act, 1960
Port Adelaide Water Frontages Act, 1910 ..	Port Pirie Park Lands Repeal Act, 1951
Port Pirie Park Lands Act, 1932	Statute Law Revision Act, 1952
Producer Gas Equipment Act, 1942	Libraries and Institutes Act, 1939
Public Library, Museum, and Art Gallery, and Institutes Act, 1936	Public Officers Salaries Act, 1953
Public Officers Salaries Act, 1952	Statutes Amendment (Public Salaries) Act, 1955
Public Officers Salaries Act, 1953	Public Salaries Act Repeal Act 1946
Public Salaries Act, 1936	Public Service Superannuation Fund (Arrangement) Act, 1960
Public Service Superannuation Fund Act, 1902-1913	

Table of Acts Repealed.

Title of Act Repealed.	Title of Repealing Act.
Railways Standardization Agreement Act, 1946	Railways Standardization Agreement Act, 1949
Remission of Fees Act, 1941	Statute Law Revision Act, 1952
Remission of Registration Fees Act, 1942 ..	Statute Law Revision Act, 1952
Road Traffic Act, 1934-1959	Road Traffic Act, 1961
Road Traffic Board Act, 1960	Road Traffic Act, 1961
State Salaries (Commonwealth Taxation) Act, 1916	Statute Law Revision Act, 1937
Stock Licks Act, 1931	Stock Licks Act Repeal Act, 1956
The Teachers Superannuation Act, 1890-1928	Superannuation Act Amendment Act, 1949
Technical Education of Apprentices Act, 1917-1940	Apprentices Act, 1950
Textile Products Description Act, 1944	Textile Products Description Act, 1953
Trespassing on Land Act, 1928	Trespassing on Land Act, 1951
Use of Firearms Restriction Act, 1917	Firearms Act, 1958
Venereal Diseases Act, 1920	Venereal Diseases Act, 1947
Wheat Industry Stabilization Act, 1948-1953	Wheat Industry Stabilization Act, 1954
Wheat Industry Stabilization Act, 1954-1955	Wheat Industry Stabilization Act, 1958
Wheat Products Prices Act, 1938	Statute Law Revision Act, 1957
The Woods and Forests Act, 1882-1934	Forestry Act, 1950

**TABLE OF ACTS AFFECTED BY AMENDMENT
OR JUDICIAL DECISION**

TABLE OF PUBLIC GENERAL ACTS AFFECTED BY AMENDMENT OR JUDICIAL DECISION.

This table contains a list of Public General Acts which have been amended by Acts passed since the publication in April, 1937, of the South Australian Statutes, 1837-1936. Under the title of every Act so amended are shown the sections affected, the number and section of the amending Act, and the page of the Annual Volume of Statutes in which the section of the amending Act is printed. Acts which have been repealed since April, 1937, are shown in the Table of Acts Repealed.

This table also contains notes, placed against references to the appropriate sections of the Acts affected, of the reported decisions of the Privy Council, the High Court of Australia, the Supreme Court of South Australia, and the Industrial Court of South Australia, relating to the interpretation of those sections. The cases so noted are those comprised in reports published since 1st April, 1937, and include the cases reported up to the end of 1961 Appeal Cases, 105 Commonwealth Law Reports, and 29 South Australian Industrial Reports, and up to page 327 of 1962 South Australian State Reports. Cases comprised in reports published before 1st April, 1937, are noted in footnotes to the relevant sections of the Acts printed in Volumes 1 to 8 of the South Australian Statutes, 1837-1936.

Act Affected.	How Affected.
Abattoirs Act, 1911-1936 (Vol. 1, p. 1)	s. 2. Amended by No. 32, s. 3, 1946, p. 152 s. 3. Amended by No. 2421, s. 2, 1938, p. 190 s. 4. Amended by No. 2421, s. 3, 1938, p. 190 s. 13. Substituted by No. 2421, s. 4, 1938, p. 191 s. 26. Substituted by No. 2421, s. 5, 1938, p. 191 s. 27. Amended by No. 2421, s. 6, 1938, p. 192 s. 34. Amended by No. 2421, s. 7, 1938, p. 192 s. 40. Amended by No. 2421, s. 8, 1938, p. 192 s. 41. Amended by No. 2421, s. 9 (1), 1938, p. 192 s. 42. Amended by No. 2421, s. 9 (1) and (2), p. 192 s. 43. Amended by No. 2421, s. 9 (1) and (3), pp. 192, 193 s. 45. Amended by No. 2421, s. 10, 1938, p. 193 s. 46. Amended by No. 2421, s. 11, 1938, p. 193, and by No. 44, s. 2, 1950, p. 124 s. 48. Amended by No. 2421, s. 12, 1938, p. 193, and by No. 26, s. 2, 1947, p. 68 s. 50. Amended by No. 2421, s. 13, 1938, p. 194 s. 51. Amended by No. 2421, s. 14, 1938, p. 194 s. 53. Amended by No. 2421, s. 15, 1938, p. 194 s. 55. Amended by No. 2421, s. 16, 1938, p. 194 s. 62. Amended by No. 2421, s. 17, 1938, p. 194 s. 65. Amended by No. 2421, s. 18, 1938, p. 194 s. 73. Amended by No. 2421, s. 19, 1938, p. 194 s. 74. Substituted by No. 2421, s. 20, 1938, p. 195 ss. 74a to 74g. En acted by No. 32, s. 2, 1946, p. 140 s. 79. Amended by No. 2421, s. 21, 1938, p. 195

Table of Amendments and Cases.

Act Affected.	How Affected.
Acts Interpretation Act, 1915-1936 (Vol. 1, p. 55)	<p>s. 4. Amended by No. 58, s. 3, 1949, p. 212</p> <p>s. 15. <i>Spiller v. Webb and another</i> (1940) S.A.S.R. 102</p> <p>s. 22. <i>International Hotel Limited v. McNally</i> (1940) 64 C.L.R. 24; 14 A.L.J. 267</p> <p>s.22a. Enacted by No. 10, s. 3, 1945, p. 33 <i>Nilson v. The State of South Australia and others</i> (1955) 93 C.L.R. 292 <i>Pioneer Tourist Coaches Proprietary Limited v. The State of South Australia and others</i> (1956) 93 C.L.R. 307</p> <p>s. 27. Amended by No. 10, s. 4, 1945, p. 34</p> <p>s. 32. <i>Heffernan v. Richardson</i> (1946) S.A.S.R. 201</p> <p>s. 33. Amended by No. 23, s. 3, 1957, p. 56</p> <p>s. 33b. Enacted by No. 58, s. 4, 1949, p. 213</p> <p>s. 37. <i>Day v. Hunkin</i> (1938) 61 C.L.R. 65; 12 A.L.J. 269, affirming <i>Day v. Hunkin</i> (1938) S.A.S.R. 121, which reversed <i>Day v. Hunkin</i> (1937) S.A.S.R. 453</p> <p>s. 50. <i>O'Sullivan v. Friebe</i> (1956) S.A.S.R. 89</p>
Administration and Probate Act, 1919-1936 (Vol. 1, p. 79)	<p>s. 17. Amended by No. 24, s. 3, 1960, p. 60</p> <p>s. 18. Amended by No. 24, s. 4, 1960, p. 60</p> <p>s. 21. <i>In re Knabenschuk</i> (1938) S.A.S.R. 136 <i>In re Smale</i> (1940) S.A.S.R. 391 <i>In re Bathern</i> (1941) S.A.S.R. 266</p> <p>s. 23. <i>In the Estate of Constantine, deceased, Constantine v. Constantinides</i> (1947) S.A.S.R. 415 <i>In the estate of Constantine, deceased, Constantine v. Constantinides</i> (1960) S.A.S.R. 19</p> <p>s. 31. Amended by No. 24, s. 5, 1960, p. 61</p> <p>s. 52. <i>In re Hawker</i> (1939) S.A.S.R. 426</p> <p>s. 54. Amended by No. 19, s. 4, 1956, p. 48</p> <p>s. 55. <i>In re Gardiner</i> (1938) S.A.S.R. 6 <i>In the estate of E.F., deceased</i> (1948) S.A.S.R. 97</p> <p>s. 56. Amended by No. 24, s. 6, 1960, p. 61</p> <p>s. 61. Amended by No. 2368, s. 2 (1), 1937, p. 102 and by No. 24, s. 7, 1960, p. 61</p> <p>s. 62. Amended by No. 24, s. 8, 1960, p. 61</p> <p>s. 65. Amended by No. 24, s. 9, 1960, p. 61</p> <p>s. 68. Repealed by No. 24, s. 10, 1960, p. 61</p> <p>s. 69. <i>In re Jackson</i>, (1944) S.A.S.R. 82 <i>In re Scott, deceased</i> (1948) S.A.S.R. 193 <i>In re Grose, deceased</i> (1949) S.A.S.R. 55 <i>In re Symons, deceased</i> (1949) S.A.S.R. 289. <i>In the estate of Hunter, deceased</i> (1957) S.A.S.R. 194 <i>In the estate of Martin, deceased</i> (1958) S.A.S.R. 365</p> <p>s. 70. <i>In re Babbage. Cave v. Babbage</i> (1936) S.A.S.R. 356 <i>In the Estate of Hughes, deceased</i> (1947) S.A.S.R. 325; 22 A.L.J. 89</p> <p>s. 71. Substituted by No. 19, s. 5, 1956, p. 48</p> <p>s. 102. Amended by No. 24, s. 11, 1960, p. 61</p> <p>s. 102a. Amended by No. 24, s. 12, 1960, p. 62</p> <p>s. 106. Amended by No. 24, s. 13, 1960, p. 62</p> <p>s. 110. Amended by No. 24, s. 14, 1960, p. 62</p> <p>s. 112. Substituted by No. 2368, s. 3, 1937, p. 102</p> <p>s. 113. Repealed by No. 2368, s. 3, 1937, p. 102</p> <p>s. 116. Amended by No. 24, s. 15, 1960, p. 63</p> <p>s. 117. Amended by No. 24, s. 16, 1960, p. 63</p> <p>s. 119a. Enacted by No. 24, s. 17, 1960, p. 63</p> <p>s. 122. Amended by No. 2368, s. 4, 1937, p. 103</p> <p>Second schedule. Repealed by No. 2368, s. 5, 1937, p. 103</p>

Act Affected.	How Affected.
Adelaide Electric Supply Company's Acts, 1897-1931	ss. 15, 16. <i>Bennett & Fisher Limited v. The Electricity Trust of South Australia</i> (1961) S.A.S.R. 286
Adoption of Children Act, 1925-1934 (Vol. 1, p. 140)	s. 2. Amended by No. 18, s. 2, 1943, p. 38 s. 5. Amended by No. 18, s. 3, 1943, p. 38 <i>In re A and B (Infants)</i> 1950 S.A.S.R. 235 s. 6. <i>In re G. and D. (Infants)</i> (1954) S.A.S.R. 40 s. 14. Amended by No. 4, s. 2, 1940, p. 6 s. 19. Enacted by No. 18, s. 4, 1943, p. 39
Advances for Homes Act, 1928-1935 (Vol. 1, p. 156)	s. 3. Amended by No. 13, s. 4 (2), 1947, p. 31 and by No. 37, s. 7 (2), 1958, p. 142 s. 4. Amended by No. 13, s. 2 (2), 1947, p. 31 s. 7. Amended by No. 13, s. 2 (1), 1947, p. 30 s. 8. Substituted by No. 19, s. 2, 1951, p. 34 s. 11. Repealed by No. 13, s. 4 (1), 1947, p. 31 s. 16. Repealed by No. 13, s. 5, 1947, p. 31 Heading to Division III. of Part III. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 18. Amended by No. 21, s. 4, 1944, p. 51, by No. 13, ss. 4 (2) and 6, 1947, p. 31, by No. 16, s. 2, 1949, p. 60, by No. 19, s. 3, 1951, p. 35, by No. 35, s. 2, 1957, p. 91 and by No. 37, s. 2, 1958, p. 139 s. 19. Amended by No. 21, s. 5, 1944, p. 52 s. 20. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 21. Amended by No. 13, s. 4 (2), 1947, p. 31 Heading to Division IV. of Part III. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 22. Amended by No. 21, s. 6, 1944, p. 52, by No. 13, ss. 4 (2) and 7, 1947, pp. 31, 32, by No. 16, s. 3, 1949, p. 61, by No. 19, s. 4, 1951, p. 35, and by No. 37, s. 3, 1958, p. 140 s. 23. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 24. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 25. Amended by No. 21, s. 7, 1944, p. 52 31 s. 29. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 30. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 32. Amended by No. 35, s. 3, 1957, p. 92, and by No. 37, s. 4, 1958, p. 140 s. 32a. Enacted by No. 35, s. 4, 1957, p. 92 s. 35. Amended by No. 21, s. 8, 1944, p. 53, by No. 13, s. 8, 1947, p. 32, by No. 16, s. 4, 1949, p. 61, by No. 19, s. 5, 1951, p. 35, and by No. 37, s. 5, 1958, p. 140 s. 40. Amended by No. 21, s. 9, 1944, p. 53, by No. 13, s. 9, 1947, p. 32, by No. 16, s. 5, 1949, p. 61, by No. 19, s. 6, 1951, p. 35, by No. 35, s. 5, 1957, p. 92, and by No. 37, s. 6, 1958, p. 140 s. 42. Amended by No. 19, s. 7, 1951, p. 35 s. 43. Substituted by No. 35, s. 6, 1957, p. 93 s. 45. Amended by No. 13, s. 4 (2), 1947, p. 31 s. 46. Amended by No. 21, s. 10, 1944, p. 53 ss. 47 to 65. Repealed by No. 37, s. 7 (1), 1958, p. 142 s. 69. Amended by No. 37, s. 8, 1958, p. 142 s. 70. Amended by No. 37, s. 9, 1958, p. 142 s. 74. Substituted by No. 37, s. 10, 1958, p. 142
Advances to Settlers Act, 1930 (Vol. 1, p. 193)	s. 3. Amended by No. 28, s. 2, 1952, p. 72 s. 5. Amended by No. 22, s. 3, 1944, p. 56 s. 7. Amended by No. 28, s. 3, 1952, p. 73 s. 11. Amended by No. 28, s. 4, 1952, p. 73

Table of Amendments and Cases.

Act Affected.	How Affected.
Advances to Settlers Act, 1930 (Vol. 1, p. 193)— <i>continued</i> .	<p>s. 12a. Enacted by No. 22, s. 2, 1944, p. 54 and amended by No. 28, s. 5, 1952, p. 73 and by No. 32, s. 2, 1958, p. 125</p> <p>s. 17a. Enacted by No. 28, s. 6, 1952, p. 74</p> <p>s. 18. Amended by No. 28, s. 7, 1952, p. 74</p> <p>s. 19. Amended by No. 28, s. 8, 1952, p. 74</p> <p>s. 21. Amended by No. 28, s. 9, 1952, p. 74</p> <p>s. 28. Amended by No. 28, s. 10, 1952, p. 75</p> <p>s. 30. Repealed by No. 28, s. 11, 1952, p. 75</p>
Aged and Infirm Persons' Property Act, 1940 (1940, p. 100)	<p>s. 16a. Enacted by No. 22, s. 2, 1950, p. 63</p> <p>s. 16b. Enacted by No. 22, s. 2, 1950, p. 64</p> <p>s. 29. Amended by No. 22, s. 3, 1950, p. 64</p>
Agent-General Act, 1901-1934 (Vol. 1, p. 206)	<p>s. 5. Substituted by No. 10, s. 3, 1953, p. 21, and amended by No. 3, s. 2, 1955, p. 6, by No. 3, s. 2, 1957, p. 10, by No. 10, s. 2, 1959, p. 21, and by No. 22, s. 2, 1960, p. 56</p> <p>s. 6. Amended by No. 6, s. 3, 1941, p. 14, substituted by No. 4, s. 2, 1945, p. 6 and amended by No. 6, s. 2, 1948, p. 55, and by No. 54, s. 3, 1949, p. 206</p>
Agricultural College Act, 1936 (Vol. 1, p. 208)	<p>s. 4. Amended by No. 2410, s. 3, 1938, p. 112</p> <p>s. 4a. Enacted by No. 2410, s. 4, 1938, p. 112</p> <p>ss. 9 and 10. Repealed by No. 15, s. 2, 1940, p. 37</p> <p>s. 14. Enacted by No. 15, s. 3, 1940, p. 37</p>
Agricultural Graduates Land Settlement Act, 1922-1935 (Vol. 1, p. 212)	<p>s. 9. Amended by No. 2403, s. 2, 1938, p. 82</p>
Agricultural Seeds Act, 1938 (1938, p. 51)	<p>s. 3. Amended by No. 28, s. 3, 1957, p. 72</p> <p>s. 4. Amended by No. 28, s. 4, 1957, p. 73</p> <p>s. 5. Amended by No. 28, s. 5, 1957, p. 73</p> <p>s. 7. Amended by No. 28, s. 6, 1957, p. 73</p> <p>s. 8. Amended by No. 28, s. 7, 1957, p. 73</p> <p>s. 19. Amended by No. 28, s. 8, 1957, p. 73</p> <p>s. 26. Amended by No. 28, s. 9, 1957, p. 74</p>
Alsatian Dogs Act, 1934 (Vol. 1, p. 232)	<p>s. 3. Amended by No. 55, s. 2, 1949, p. 207</p>
Anatomy Act, 1884-1934 (Vol. 1, p. 236)	<p>Long Title. Amended by No. 12, s. 3, 1954, p. 27</p> <p>s. 18a. Enacted by No. 12, s. 4, 1954, p. 27</p> <p>s. 18b. Enacted by No. 25, s. 3, 1954, p. 75</p> <p>Heading to s. 19. Enacted by No. 12, s. 5, 1954, p. 20</p>
Animals and Birds Protection Act, 1919-1934 (Vol. 1, p. 242)	<p>This Act, as amended by No. 2390, 1938, p. 19, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 285. <i>See also</i> the following paragraph</p>
Animals and Birds Protection Act, 1919-1938 (1938, p. 285)	<p>s. 19a. Enacted by No. 43, s. 3, 1958, p. 159</p> <p>s. 33. Amended by No. 43, s. 4, 1958, p. 160</p> <p>Third schedule, Part II. Amended by proclamation <i>Gazette</i> 17th January, 1963, p. 83.</p>
Anzac Highway Agreement Act, 1937 (1937, p. 25)	<p>s. 7. Enacted by No. 28, s. 2, 1940, p. 80</p>
Apiaries Act, 1931-1935 (Vol. 1, p. 263)	<p>s. 12. Substituted by No. 19, s. 2, 1943, p. 41</p>
Appraisers Act, 1934 (Vol. 1, p. 271)..	<p>s. 4. Amended by No. 4, s. 3, 1961, p. 10</p>

Act Affected.	How Affected.
Arbitration Act, 1891-1934 (Vol. 1, p. 273)	s. 3. <i>Anderson v. G. H. Michell & Sons Ltd.</i> (1941) 65 C.L.R. 543; 15 A.L.J. 255, reversing <i>Anderson v. G. H. Michell & Sons Ltd.</i> (1940) S.A.S.R. 285
Architects Act, 1939 (1939 p. 198) . . .	s. 28. <i>Thompson v. Ewens</i> (1958) S.A.S.R. 193
Art Gallery Act, 1939 (1939, p. 154) . . .	s. 5. Amended by No. 27, s. 3, 1960, p. 67
Associations Incorporation Act, 1956 (1956, p. 203)	s. 22. Amended by No. 22, s. 2, 1957, p. 55
Auctioneers Act, 1934 (Vol. 1, p. 293)	s. 3. Amended by No. 6, s. 3, 1953, p. 14 s. 4. Amended by No. 6, s. 4, 1953, p. 15 s. 5. Amended by No. 6, s. 5, 1953, p. 15 s. 5a. Enacted by No. 6, s. 6, 1953, p. 15 s. 8a. Enacted by No. 6, s. 7, 1953, p. 15 s. 10a. Enacted by No. 20, s. 3, 1961, p. 57 s. 11. Repealed by No. 6, s. 8, 1953, p. 16 s. 13. Enacted by No. 6, s. 9, 1953, p. 16
Audit Act, 1921-1936 (Vol. 1, p. 297) . .	s. 3a. Enacted by No. 8 s. 3, 1957, p. 21 s. 6. Amended by No. 26, s. 3, 1946, p. 126, by No. 23, s. 3, 1949, p. 77, by No. 7, s. 3, 1951, p. 12, by No. 3, s. 3, 1955, p. 6, by No. 3, s. 3, 1957, p. 10, by No. 10, s. 3, 1959, p. 21, and by No. 22, s. 3, 1960, p. 56 s. 7. Amended by No. 8, s. 4, 1957, p. 22 s. 11. Amended by No. 8, s. 5, 1957, p. 22 s. 12. Amended by No. 8, s. 6, 1957, p. 22 s. 17. Substituted by No. 8, 1957, p. 22 ss. 18 to 23. Repealed by No. 48, s. 2, 1949, p. 162 s. 26. Amended by No. 8, s. 8, 1957, p. 22 s. 31. Amended by No. 8, s. 9, 1957, p. 23 s. 32. Substituted by No. 8, s. 10, 1957, p. 23 s. 36. Substituted by No. 8, s. 11, 1957, p. 23 s. 37. Amended by No. 8, s. 12, 1957, p. 24 s. 38. Amended by No. 8, s. 13, 1957, p. 24 s. 39. Amended by No. 8, s. 14, 1957, p. 25 s. 40a. Enacted by No. 8, s. 15, 1957, p. 25 s. 41. Amended by No. 8, s. 16, 1957, p. 25 s. 41a. Enacted by No. 8, s. 17, 1957, p. 25 ss. 42 and 43. Repealed by No. 8, s. 18, 1957, p. 26 s. 45a. Enacted by No. 8, s. 19, 1957, p. 26
Bakehouses Registration Act, 1945 (1945, p. 147)	s. 3. Amended by No. 43, s. 2, 1947, p. 110 s. 3a. Enacted by No. 43, s. 3, 1947, p. 111 s. 9. Amended by No. 43, s. 4, 1947, p. 111
Barley Marketing Act, 1947 (1947, p. 128)	s. 4. Amended by No. 37, s. 3, 1952, p. 107 and by No. 14, s. 4, 1953, p. 30, and by No. 46, s. 3, 1962, p. 147 s. 5a. Enacted by No. 37, s. 4, 1952, p. 107 s. 9. Amended by No. 37, s. 5, 1952, p. 108 s. 14. Amended by No. 24, s. 3, 1956, p. 63 s. 14a. Enacted by No. 24, s. 4, 1956, p. 63 s. 18. Amended by No. 46, s. 4, 1962, p. 148 s. 19. Amended by No. 37, s. 6, 1952, p. 108 and by No. 46, s. 5, 1962, p. 148 s. 20. Amended by No. 24, s. 5, 1956, p. 64 s. 22. Substituted by No. 37, s. 7, 1952, p. 109 and amended by No. 24, s. 6, 1956, p. 64 and by No. 46, s. 6, 1962, p. 148
The Bills of Sale Act, 1886-1935 (Vol. 1, p. 329)	s. 9. <i>Burns v. McFarlane</i> (1940) 64 C.L.R. 108 14 A.L.J. 264 s. 11 (2). <i>Riedel v. Freeman Motors</i> (1938) S.A.S.R. 261, affirmed by <i>Riedel v. Freeman Motors Limited</i> (1938) S.A.S.R. 364 s. 11 (6). Amended by No. 52, s. 3, 1940, p. 158

Table of Amendments and Cases.

Act Affected.	How Affected.
The Bills of Sale Act, 1886-1935 (Vol. 1, p. 329)— <i>continued</i> .	<p>s. 17. Amended by No. 52, s. 4, 1940, p. 158 ss. 19a to 19e. Enacted by No. 52, s. 5, 1940, pp. 158-161</p> <p>s. 28. Amended by No. 52, s. 6, 1940, p. 161</p> <p>s. 37. <i>Miller v. O'Sullivan</i> (1947) S.A.S.R. 148 Sixth schedule. Amended by No. 52, s. 7 (1), 1940, p. 161 Seventh schedule. Amended by No. 52, s. 7 (2), 1940, p. 161</p>
Births and Deaths Registration Act, 1936 (Vol. 1, p. 345)	<p>s. 4. Amended by No. 21, s. 2, 1940, p. 56 and by No. 11, s. 7, 1942, p. 30</p> <p>s. 11. Amended by No. 44, s. 16 (2), 1947, p. 117</p> <p>s. 14. Amended by No. 44, s. 3, 1947, p. 112</p> <p>s. 15. Amended by No. 44, s. 4, 1947, p. 113, and by No. 47, s. 4, 1959, p. 159</p> <p>s. 16. Amended by No. 44, s. 5, 1947, p. 113</p> <p>s. 17. Amended by No. 44, s. 6, 1947, p. 114</p> <p>s. 19. Amended by No. 44, s. 7, 1947, p. 114, and by No. 43, s. 5, 1959, p. 160</p> <p>s. 20. Amended by No. 44, s. 8, 1947, p. 114, and by No. 47, s. 6, 1959, p. 160</p> <p>s. 22. Amended by No. 44, s. 9, 1947, p. 114, and by No. 47, s. 7, 1959, p. 160</p> <p>s. 28. Amended by No. 44, s. 10, 1947, p. 114, and by No. 47, s. 8, 1959, p. 160</p> <p>s. 29. Amended by No. 47, s. 9, 1959, p. 161</p> <p>s. 31. Amended by No. 44, s. 11, 1947, p. 115, by No. 47, s. 10, 1959, p. 161, and by No. 30, s. 3, 1960, p. 76</p> <p>s. 32. Amended by No. 47, s. 11, 1959, p. 161</p> <p>s. 32a. Enacted by No. 47, s. 12, 1959, p. 162</p> <p>s. 33. Amended by No. 47, s. 13, 1959, p. 162</p> <p>s. 34. Amended by No. 47, s. 14, 1959, p. 162</p> <p>s. 35. Amended by No. 11, s. 2, 1942, p. 25</p> <p>s. 36. Substituted by No. 44, s. 12, 1947, p. 115</p> <p>s. 36a. Enacted by No. 21, s. 3, 1940, p. 57 and amended by No. 11, s. 3, 1942, p. 26</p> <p>s. 36b. Enacted by No. 21, s. 3, 1940, p. 57 and amended by No. 11, s. 4, 1942, p. 26</p> <p>s. 36c. Enacted by No. 21, s. 3, 1940, p. 58 and amended by No. 11, s. 5, 1942, p. 26</p> <p>s. 36d. Enacted by No. 21, s. 3, 1940, p. 58, and amended by No. 44, s. 13, 1947, p. 115.</p> <p>s. 36e. Enacted by No. 21, s. 3, 1940, p. 58</p> <p>ss. 36f to 36j. Enacted by No. 11, s. 6, 1942, pp. 27-29</p> <p>s. 36k. Enacted by No. 11, s. 6, 1942, p. 29, and amended by No. 44, s. 14, 1947, p. 116</p> <p>s. 36e. Enacted by No. 11, s. 6, 1942, p. 29</p> <p>s. 37. Amended by No. 47, s. 4, 1962, p. 149</p> <p>s. 39. Amended by No. 47, s. 5, 1962, p. 150</p> <p>s. 43. <i>Adorjan v. Adorjan and Mado</i> (1954) S.A.S.R. 15</p> <p>s. 45. Amended by No. 47, s. 6, 1962, p. 150</p> <p>s. 52. Amended by No. 44, s. 15, 1947, p. 116</p> <p>s. 53a. Enacted by No. 44, s. 16 (1), 1947, p. 116</p> <p>s. 56. Amended by No. 44, s. 17, 1947, p. 117</p> <p>Fourth schedule. Amended by No. 44, s. 18, 1947, p. 117</p> <p>Ninth schedule. Amended by No. 44, s. 19, 1947, p. 117</p> <p>Thirteenth schedule. Amended by No. 47, s. 7, 1962, p. 151</p> <p>Fourteenth schedule. Amended by No. 44, s. 20, 1947, p. 118, by regulations <i>Gazette</i> 22nd March, 1951, p. 647, and by No. 47, s. 8, 1962, p. 151</p> <p>Fifteenth schedule. Enacted by No. 44, s. 21, 1947, p. 118</p>

Act Affected.	How Affected.
Botanic Garden Act, 1935 (Vol. 1, p. 375)	<p>s. 3. Amended by No. 13, s. 3, 1961, p. 40 s. 5. Amended by No. 22, s. 3, 1940, p. 59 s. 6. Amended by No. 13, s. 4, 1961, p. 40 s. 7. Substituted by No. 22, s. 4, 1940, p. 59 ss. 7a and 7b. Enacted by No. 22, s. 4, 1940, p. 60 s. 10a. Enacted by No. 22, s. 5, 1940, p. 60 s. 9. Amended by No. 13, s. 5, 1961, p. 41 s. 11. Amended by No. 13, s. 6, 1961, p. 41 s. 13. Amended by No. 13, s. 7, 1961, p. 41. s. 15a. Enacted by No. 45, s. 3, 1960, p. 170 s. 17. Amended by No. 45, s. 4, 1960, p. 171</p>
Brands Act, 1933-1936 (Vol. 1, p. 381)	<p>s. 3. Amended by No. 29, s. 2, 1957, p. 75 s. 4. Amended by No. 23, s. 2, 1948, p. 112, by No. 45, s. 2, 1955, p. 141, and by No. 29, s. 3, 1957, p. 75 s. 14. Amended by No. 45, s. 3, 1955, p. 141 s. 18. Amended by No. 23, s. 3, 1948, p. 112, and by No. 45, s. 4, 1955, p. 142 s. 27. Amended by No. 23, s. 4, 1948, p. 113 s. 28. Substituted by No. 45, s. 5(1), 1955, p. 142 s. 32. Amended by No. 23, s. 5, 1948, p. 113 Heading to Part VIII. Amended by No. 29, s. 4, 1957, p. 75 s. 54. Amended by No. 29, s. 5, 1957, p. 75 s. 55. Amended by No. 29, s. 6, 1957, p. 76 s. 56. Substituted by No. 29, s. 7, 1957, p. 76 s. 57. Substituted by No. 29, s. 7, 1957, p. 76 s. 62. Substituted by No. 23, s. 6, 1948, p. 113 s. 63. Amended by No. 23, s. 7, 1948, p. 114 s. 68. Amended by No. 45, s. 6, 1955, p. 142 s. 70. Amended by No. 21, s. 3, 1961, p. 58 s. 75. Amended by No. 29, s. 8, 1957, p. 76 s. 75a. Enacted by No. 23, s. 8, 1948, p. 114 Third schedule. Amended by No. 23, s. 9, 1948, p. 114 Sixth schedule. Amended by No. 23, s. 10, 1948, p. 114</p>
Broken Hill Proprietary Company's Indenture Act, 1937 (1937, p. 75)	<p>s. 4. Repealed by No. 13, s. 12, 1940, p. 28</p>
Building Act, 1923-1935 (Vol. 1, p. 424)	<p>This Act, as amended by No. 53, 1940, p. 162 and by regulations <i>Gazette</i> 12th December, 1940, p. 1441, and with notes of judicial decisions, is reprinted in the 1940 volume, p. 353. <i>See also</i> the following paragraph.</p>
Building Act, 1923-1940 (1940, p. 353)	<p>s. 8. Amended by No. 10, s. 7, 1946, p. 37 and by No. 48, s. 2, 1953, p. 141 s. 9. Amended by No. 48, s. 3, 1953, p. 142 s. 9a. Amended by No. 10, s. 2, 1946, p. 36 s. 19. <i>Griffiths v. Appelbee</i> (1948) S.A.S.R. 339 s. 20. Amended by No. 48, s. 4, 1953, p. 142 s. 27. Amended by No. 48, s. 5, 1953, p. 143 s. 27a. Enacted by No. 48, s. 6, 1953, p. 143 s. 28. Amended by No. 10, s. 7, 1946, p. 37 s. 34. Amended by No. 10, s. 7, 1946, p. 37 s. 36a. Enacted by No. 10, s. 7, 1946, p. 37 s. 55. Amended by No. 10, s. 7, 1946, p. 37 s. 56. Amended by No. 10, s. 3, 1946, p. 37 s. 68a. Enacted by No. 48, s. 7, 1953, p. 143 s. 72. Amended by No. 10, s. 4, 1946, p. 37 s. 75. Amended by No. 10, s. 5, 1946, p. 37 s. 79. Amended by No. 48, s. 8, 1953, p. 144 s. 82. Amended by No. 48, s. 9, 1953, p. 144 <i>Ross Chenoweth Ltd. v. Hayes</i> (1955) S.A.S.R. 66 s. 83. Amended by No. 10, s. 7, 1946, p. 37 s. 84. Amended by No. 48, s. 10, 1953, p. 144 s. 85. Amended by No. 48, s. 11, 1953, p. 144 s. 86. Amended by No. 48, s. 12, 1953, p. 144 s. 98a. Amended by No. 10, s. 6, 1946, p. 37</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Building Act, 1923-1940 (1940, p. 353) —continued.	<p>Second schedule. Amended by regulations <i>Gazette</i> 11th April, 1946, p. 636, <i>Gazette</i> 5th September, 1946, p. 445, <i>Gazette</i> 20th November, 1947, p. 1706, <i>Gazette</i> 27th October, 1949, p. 1061, <i>Gazette</i> 27th September, 1951, p. 826, <i>Gazette</i> 28th August, 1952, p. 683, <i>Gazette</i> 30th October, 1952, p. 1149, <i>Gazette</i> 23rd April, 1953, p. 970, <i>Gazette</i> 8th April, 1954, p. 713, <i>Gazette</i> 28th October, 1954, p. 1079, <i>Gazette</i> 28th April, 1955, p. 987, <i>Gazette</i> 29th September, 1955, p. 715, <i>Gazette</i> 6th September, 1956, p. 528, <i>Gazette</i> 6th February, 1958, p. 491, <i>Gazette</i> 17th April, 1958, p. 1090, <i>Gazette</i> 30th October, 1958, p. 1183, <i>Gazette</i> 27th November, 1958, p. 1432, <i>Gazette</i> 14th May, 1959, p. 1033, <i>Gazette</i> 24th September, 1959, p. 774, <i>Gazette</i> 5th November, 1959, p. 1109, <i>Gazette</i> 17th March, 1960, p. 779, <i>Gazette</i> 24th November, 1960, p. 1436, <i>Gazette</i> 8th December, 1960, p. 1612, <i>Gazette</i> 9th March, 1961, p. 536, <i>Gazette</i> 15th February, 1962, p. 300, and <i>Gazette</i> 7th March, 1963, p. 589</p> <p>Fourth schedule. Amended by regulations <i>Gazette</i>, 11th April, 1946, p. 636.</p> <p>Seventh schedule. Amended by regulations <i>Gazette</i>, 11th April, 1946, p. 636, <i>Gazette</i> 6th September, 1956, p. 528, <i>Gazette</i> 14th May, 1959, p. 1033, <i>Gazette</i> 9th March, 1961, p. 536, and <i>Gazette</i> 7th March, 1963, p. 589</p> <p>Eighth schedule. Amended by regulations <i>Gazette</i>, 11th April, 1946, p. 636, <i>Gazette</i> 28th August, 1952, p. 683, and <i>Gazette</i> 30th October, 1952, p. 1149</p>
Building Contracts (Deposits) Act, 1953 (1953, p. 52)	s. 4. Amended by No. 30, s. 2, 1954, p. 88
Building Societies Act, 1881-1936 (Vol. 1, p. 513)	This Act, as amended by No. 2411, 1938, p. 114, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 307
Bulk Handling of Grain Act, 1955 (1955, p. 11)	s. 4a. Enacted by No. 3, s. 3, 1961, p. 9 s. 4b. Enacted by No. 7, s. 3, 1962, p. 17
Business Agents Act, 1938 (1938, p. 173)	<p>s. 4. Amended by No. 9, s. 3, 1954, p. 18</p> <p>s. 13a. Enacted by No. 35, s. 2, 1949, p. 118</p> <p>s. 14a. Enacted by No. 9, s. 4, 1954, p. 19</p> <p>s. 16. Amended by No. 35, s. 3, 1949, p. 119</p> <p>s. 18. Amended by No. 10, s. 2, 1951, p. 16</p> <p>s. 19. Amended by No. 42, s. 3, 1957, p. 112</p> <p>s. 22. Amended by No. 42, s. 3, 1957, p. 112</p> <p>s. 39. <i>Veitch v. Easson, Maloney v. Easson</i> (1940) S.A.S.R. 9 <i>Drozid and another v. Vaskos and another</i> (1960) S.A.S.R. 88</p>
Cattle Compensation Act, 1939 (1939, p. 65)	<p>s. 4. Amended by No. 22, s. 2, 1948, p. 109, and by No. 16, s. 2, 1951, p. 30, and by No. 33, s. 3, 1962, p. 89</p> <p>s. 4a. Enacted by No. 33, s. 4, 1962, p. 90</p> <p>s. 5. Amended by No. 22, s. 3, 1948, p. 109</p> <p>s. 6. Amended by No. 22, s. 4, 1948, p. 110, and by No. 33, s. 2, 1951, p. 76</p> <p>s. 8. Amended by No. 22, s. 5, 1948, p. 110</p> <p>s. 12. Amended by No. 33, s. 5, 1962, p. 90</p> <p>s. 13. Amended by No. 22, s. 6, 1948, p. 111, by No. 27, s. 2, 1954, p. 82, and by No. 33, s. 6, 1962, p. 93</p> <p>s. 14a. Enacted by No. 33, s. 7, 1962, p. 93</p>

Act Affected.	How Affected.
Chaff and Hay Act, 1922 (Vol. 1, p. 560)	s. 9. Amended by No. 2384, s. 2, 1938, p. 4 s. 22. Amended by No. 2384, s. 3, 1938, p. 4
Chaff and Hay (Acquisition) Act, 1944 (1944, p. 6)	s. 14. <i>The Chaff and Hay Acquisition Committee v. J. A. Hempbill & Sons Pty. Ltd.</i> (1947) 74 C.L.R. 375; 21 A.L.J. 158
Children's Protection Act, 1936 (Vol. 1, p. 568)	s. 19. Amended by No. 7, s. 3, 1961, p. 19
City of Whyalla Commission Act, 1944 (1944, p. 96)	s. 1. Amended by No. 11, s. 3, 1961, p. 32. s. 2. Amended by No. 15, s. 3, 1949, p. 57 and by No. 11, s. 3, 1961, p. 32. s. 3. Amended by No. 11, s. 3, 1961, p. 32 s. 4. Amended by No. 11, s. 3, 1961, p. 32 s. 5. Amended by No. 11, s. 3, 1961, p. 32 s. 6. Amended by No. 11, s. 3, 1961, p. 32 s. 7. Amended by No. 11, s. 3, 1961, p. 32 s. 9. Amended by No. 11, s. 3, 1961, p. 32 s. 10. Amended by No. 11, s. 3, 1961, p. 32 s. 13. Amended by No. 11, s. 4, 1961, p. 33 s. 14. Amended by No. 11, s. 3, 1961, p. 32 s. 16. Amended by No. 11, s. 5, 1961, p. 33 s. 20. Amended by No. 11, s. 3, 1961, p. 32 s. 21. Amended by No. 11, s. 3, 1961, p. 32 s. 22. Amended by No. 11, s. 3, 1961, p. 32 s. 24. Amended by No. 11, s. 3, 1961, p. 32 s. 26. Amended by No. 11, s. 3, 1961, p. 32 s. 27. Amended by No. 11, s. 3, 1961, p. 32 and by No. 23, s. 3, 1961, p. 62 s. 27a. Enacted by No. 15, s. 4, 1949, p. 58 and amended by No. 11, s. 3, 1961, p. 32 s. 27b. Enacted by No. 15, s. 4, 1949, p. 58 s. 27c. Enacted by No. 15, s. 4, 1949, p. 59 and amended by No. 11, s. 3, 1961, p. 32 s. 27d. Enacted by No. 15, s. 4, 1949, p. 59 s. 27e. Enacted by No. 15, s. 4, 1949, p. 59 s. 32. Amended by No. 11, s. 3, 1961, p. 32
Coal Act, 1947 (1947, p. 70).....	s. 12. Amended by No. 10, s. 3, 1949, p. 44 s. 13a. Enacted by No. 10, s. 4, 1949, p. 45 s. 13b. Enacted by No. 10, s. 4, 1949, p. 45 s. 19. Amended by No. 29, s. 3, 1948, p. 140, by No. 4, s. 3, 1950, p. 6, and by No. 30, s. 3, 1955, p. 97
Collections for Charitable Purposes Act, 1939 (1939, p. 73)	s. 16. Amended by No. 18, s. 3, 1947, p. 45
Commonwealth and State Housing Agreement Act, 1945 (1945, p. 122)	Schedule. Amended by No. 52, schedule, 1954, p. 142, and by No. 9, schedule, 1956, p. 22
Community Hotels (Incorporation) Act, 1938 (1938, p. 93)	s. 7. Enacted by No. 23, s. 3, 1944, p. 57 s. 8. Enacted by No. 23, s. 3, 1944, p. 58
Compulsory Acquisition of Land Act, 1925 (Vol. 1, p. 870)	s. 12. <i>W. T. Flint & Son., Ltd. v. The Corporation of the City of Adelaide</i> (1952) S.A.S.R., 107 <i>Adelaide Fruit and Produce Exchange Co. Ltd. v. Corporation of the City of Adelaide</i> 35 A.L.J.R. 29 s. 30. Amended by No. 28, s. 3, 1959, p. 79 s. 31. Amended by No. 28, s. 4, 1959, p. 79 s. 33. Amended by No. 28, s. 5, 1959, p. 80 <i>Adelaide Fruit and Produce Exchange Co. Ltd. v. Corporation of the City of Adelaide</i> 34 A.L.J.R. 229

Table of Amendments and Cases.

Act Affected.	How Affected.
Compulsory Acquisition of Land Act, 1925 (Vol. 1, p. 870)— <i>continued</i> .	<p><i>Adelaide Fruit and Produce Exchange Co. Ltd. v. Corporation of the City of Adelaide</i> (1960) 105 C.L.R. 428 ; 35 A.L.J.R. 29 affirming <i>The Corporation of the City of Adelaide v. The Adelaide Fruit and Produce Exchange Co. Ltd.</i> (1961) S.A.S.R. 221</p> <p><i>G. & R. Wills & Co. Ltd. v. The Corporation of the City of Adelaide</i> 36 A.L.J.R. 268</p> <p>s. 42. <i>Minister of Education v. Bosworth and others</i> (1950) S.A.S.R. 145</p> <p>s. 44a. Enacted by No. 28, s. 6, 1959, p. 80</p>
Constitution Act, 1934-1936 (Vol. 2, p. 1)	<p>This Act, as amended by No. 2381, 1937, p. 134, by No. 48, 1939, p. 365, by No. 49, 1939, p. 368, by No. 31, 1940, p. 89, by No. 8, 1942, p. 16, by No. 41, 1943, p. 124, by No. 19, 1947, p. 46, by No. 48, 1949, p. 162, by No. 38, 1950, p. 112, by No. 4, 1951, p. 7, by No. 28, 1953, p. 76, by No. 56, 1953, p. 201, by No. 3, 1955, p. 6, by No. 59, 1955, p. 218, by No. 39, 1959, p. 123, by No. 8, 1960, p. 22, and by No. 24, 1961, p. 64, and with notes of judicial decision, is reprinted in the 1961 volume, p. 305.</p>
Control of Advertisements Act, 1916-1935 (Vol. 2, p. 40)	<p>s. 4. <i>Miller v. Penfolds Wines Limited</i> (1937) S.A.S.R. 11</p> <p>s. 10. <i>Miller v. Penfolds Wines Limited</i> (1937) S.A.S.R. 11</p>
Cornsacks Act, 1938 (1938, p. 124) . . .	s. 9. Amended by No. 6, s. 3, 1939, p. 18
Coroners Act, 1935 (Vol. 2, p. 62) . . .	<p>s. 10. Amended by No. 53, s. 3, 1952, p. 161</p> <p>s. 15a. Enacted by No. 53, s. 4, 1952, p. 162</p> <p>s. 19. Amended by No. 53, s. 5, 1952, p. 162</p> <p>s. 20. Amended by No. 53, s. 6, 1952, p. 162</p> <p>s. 20a. Enacted by No. 53, s. 7, 1952, p. 162</p> <p>s. 20b. Enacted by No. 53, s. 7, 1952, p. 163</p> <p>s. 20c. Enacted by No. 53, s. 7, 1952, p. 163</p> <p>s. 21. Amended by No. 53, s. 8, 1952, p. 164</p> <p>s. 21a. Enacted by No. 53, s. 9, 1952, p. 164</p> <p>s. 21b. Enacted by No. 53, s. 9, 1952, p. 164</p> <p>s. 22. Amended by No. 53, s. 10, 1952, p. 164</p> <p>s. 25a. Enacted by No. 53, s. 11, 1952, p. 164</p> <p>s. 25b. Enacted by No. 53, s. 11, 1952, p. 165</p> <p>s. 30a. Enacted by No. 53, s. 12, 1952, p. 165</p> <p>First schedule. Amended by regulations <i>Gazette</i> 26th April, 1951, p. 928, and <i>Gazette</i> 30th June, 1955, p. 1549</p> <p>Second schedule. Amended by No. 53, s. 13, 1952, p. 165</p>
Country Housing Act, 1958 (1958, p. 13)	<p>s. 3a. Enacted by No. 19, s. 3, 1960, p. 47</p> <p>s. 4. Amended by No. 19, s. 4, 1960, p. 48</p>
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)	<p>s. 14. Amended by No. 53, s. 14, 1952, p. 166</p> <p><i>Rex v. Coventry</i> (1938) S.A.S.R. 79. Special leave to appeal to the High Court refused; <i>The King v. Coventry</i> (1938) 59 C.L.R. 633 ; 12 A.L.J. 67</p> <p>s. 14a. Enacted by No. 27, s. 3, 1952, p. 66</p> <p>s. 15. Amended by No. 27, s. 4, 1952, p. 67</p> <p>s. 38. Substituted by No. 54, s. 3, 1940, p. 179</p> <p><i>Teague v. McLachlan</i> (1957) S.A.S.R. 286</p> <p>s. 38a. Enacted by No. 27, s. 5, 1952, p. 67</p> <p><i>Teague v. McLachlan</i> (1957) S.A.S.R. 286</p> <p>s. 46. Substituted by No. 27, s. 6, 1952, p. 67</p> <p><i>Rex v. Muirhead and Bracegirdle: Ex parte The Attorney-General and another</i> (1942) S.A.S.R. 226</p> <p><i>Church v. Roberts</i> (1946) S.A.S.R. 65</p> <p><i>Gray v. Jones</i> (1948) S.A.S.R. 201</p> <p><i>Marchino v. Miller</i> (1962) S.A.S.R. 233</p> <p>s. 50. Amended by No. 54, s. 4, 1940, p. 180</p>

Act Affected	How Affected.
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)— <i>continued.</i>	<p>s. 51. Amended by No. 54, s. 4, 1940, p. 180</p> <p>s. 52. Amended by No. 54, s. 4, 1940, p. 180</p> <p>s. 52a. Enacted by No. 54, s. 5, 1940, p. 180</p> <p>s. 54. Amended by No. 27, s. 7, 1952, p. 68</p> <p>s. 55. Amended by No. 27, s. 8, 1952, p. 68</p> <p>s. 56. <i>R. v. Mogg</i> (1948) S.A.S.R. 32 22; A.L.J. 190</p> <p>s. 57a. Enacted by No. 27, s. 9, 1952, p. 68</p> <p>s. 57b. Enacted by No. 27, s. 9, 1952, p. 69, and amended by No. 42, s. 3, 1957, p. 112 <i>Stokes v. Bragg</i> (1955) S.A.S.R. 311 <i>Page v. Butcher</i> (1957) S.A.S.R. 165</p> <p>s. 63. Amended by No. 54, s. 6, 1940, p. 180</p> <p>s. 76a. Enacted by No. 27, s. 10, 1952, p. 70 and amended by No. 42, s. 3, 1957, p. 112</p> <p>s. 77. Substituted by No. 54, s. 7, 1940, p. 180 and amended by No. 54, s. 3, 1956, p. 183 <i>Rex v. Clough</i> (1941) S.A.S.R. 51</p> <p>s. 77a. Enacted by No. 54, s. 7, 1940, p. 181 and amended by No. 27, s. 11, 1952, p. 70, and by No. 54, s. 4, 1956, p. 184 <i>O'Sullivan v. De Young</i> (1956) S.A.S.R. 211</p> <p>s. 82. <i>R. v. Lindner</i> (1938) S.A.S.R. 412</p> <p>s. 116. <i>Charlton v. Crafter</i> (1943) S.A.S.R. 158</p> <p>s. 130. <i>R. v. Lower</i> (1948) S.A.S.R. 227; 22 A.L.J. 432</p> <p>s. 131. <i>Feist v. Bonython</i> (1944) S.A.S.R. 176</p> <p>s. 132. <i>Reece v. Harris</i> (1943) S.A.S.R. 127</p> <p>s. 158. <i>R. v. Shillingford</i> (1954) S.A.S.R. 206 <i>R. v. Beaumont</i> (1955) S.A.S.R. 110</p> <p>s. 170. Substituted by No. 54, s. 8, 1940, p. 183 <i>Rex v. Andrews</i> (1943) S.A.S.R. 44</p> <p>s. 172. <i>R. v. De Kuyper</i> (1948) S.A.S.R. 108</p> <p>s. 176. <i>Cowan v. O'Sullivan</i> (1947) S.A.S.R. 181</p> <p>s. 184. <i>Dowd v. Dayman</i> (1939) S.A.S.R. 70</p> <p>s. 191. <i>R. v. Martyn and Martyn</i> (1954) S.A.S.R. 161</p> <p>s. 192. <i>R. v. Martyn and Martyn</i> (1954) S.A.S.R. 161</p> <p>s. 195. <i>Brook v. Crafter</i> (1937) S.A.S.R. 366 <i>R. v. Lower</i> (1948) S.A.S.R. 227; 22 A.L.J. 432</p> <p>s. 197a. Enacted by No. 54, s. 9, 1940, p. 183</p> <p>s. 199. Amended by No. 54, s. 10, 1940, p. 184</p> <p>s. 200. Amended by No. 54, s. 11, 1940, p. 184</p> <p>s. 268. <i>Rex v. Sayers</i> (1943) S.A.S.R. 146</p> <p>s. 300. Substituted by No. 54, s. 6, 1956, p. 184 <i>R. v. Costello and others</i> (1937) S.A.S.R. 150</p> <p>ss. 300a to 300h. Enacted by No. 54, s. 6, 1956, pp. 185-188</p> <p>s. 313. Substituted by No. 27, s. 12, 1952, p. 70 and amended by No. 54, s. 7, 1956, p. 189</p> <p>s. 319. Amended by No. 42, s. 3, 1957, p. 112 <i>R. v. Martin</i> (1937) S.A.S.R. 70 <i>Rex v. Tregaskis</i> (1937) S.A.S.R. 358 <i>R. v. Cook</i> (1955) S.A.S.R. 304 <i>R. v. White</i> (1962) S.A.S.R. 114</p> <p>s. 321. Substituted by No. 54, s. 8 (1), 1956, p. 189 <i>R v Dinham</i> (1960) S.A.S.R. 121</p> <p>s. 322. Repealed by No. 54, s. 9, 1956, p. 189</p> <p>s. 323. Substituted by No. 54, s. 10, 1956, p. 189 <i>R. v. White</i> (1948) S.A.S.R. 198</p> <p>ss. 324 and 325. Repealed by No. 54, s. 10, 1956, p. 189</p> <p>ss. 326 and 327. Repealed by No. 54, s. 11, 1956, p. 190</p> <p>s. 328. Substituted by No. 54, s. 12 (1), 1956, p. 190</p> <p>s. 328a. Enacted by No. 54, s. 12, 1940, p. 185</p> <p>s. 352. <i>R. v. Burch</i> (1939) S.A.S.R. 270</p> <p>s. 353. <i>R. v. Semaschko</i> (1936) S.A.S.R. 337 <i>Rex v. Butler</i> (1939) S.A.S.R. 265</p> <p>s. 354. <i>R. v. Lindner</i> (1938) S.A.S.R. 412</p>

Act Affected	How Affected.
Criminal Law Consolidation Act, 1935 (Vol. 2, p. 81)— <i>continued</i> .	s. 357. <i>Rea v. Pullman</i> (1942) S.A.S.R. 262 s. 367. <i>Rea v. Tregaskis</i> (1937) S.A.S.R. 358 s. 369. <i>R. v. McPherson</i> (1939) S.A.S.R. 181 Schedules 4 to 7. Repealed by No. 54, s. 12, 1956, p. 191
Crown Lands Act, 1929-1936 (Vol. 2, p. 219)	This Act, as amended by No. 2363, 1937, p. 88, No. 2408, 1938, p. 95, No. 3, 1939, p. 5, and No. 40, 1939, p. 250, and with notes of judicial decisions, is reprinted in the 1939 volume, p. 414. <i>See also</i> the following paragraph
Crown Lands Act, 1929-1939 (1939, p. 414)	s. 5. Amended by No. 26, s. 3, 1944, p. 66 s. 9. Amended by No. 26, s. 4, 1944, p. 66 s. 11. Amended by No. 26, s. 5, 1944, p. 67 s. 22a. Enacted by No. 25, s. 3, 1941, p. 90 s. 22b. Enacted by No. 26, s. 6, 1944, p. 67 Part V., Division III.A. Heading amended by No. 26, s. 7, 1944, p. 67 s. 41d. Amended by No. 26, s. 8, 1944, p. 67 s. 41f. Enacted by No. 26, s. 9, 1944, p. 68 s. 44. Amended by No. 23, s. 3, 1940, p. 61 Part VI. Heading amended by No. 23, s. 4, 1940, p. 62 s. 50b. Enacted by No. 26, s. 10, 1944, p. 68 s. 53. Amended by No. 23, s. 5, 1940, p. 62 s. 58. Substituted by No. 25, s. 4, 1941, p. 91 s. 66a. Enacted by No. 25, s. 5, 1941, p. 91 s. 144. Amended by No. 26, s. 11, 1944, p. 69 s. 145. Amended by No. 26, s. 12, 1944, p. 69 s. 152. Amended by No. 26, s. 13, 1944, p. 69 s. 153. Amended by No. 26, s. 14, 1944, p. 69 s. 154. Amended by No. 26, s. 15, 1944, p. 70 s. 155. Amended by No. 26, s. 16, 1944, p. 70 s. 170. Amended by No. 26, s. 17, 1944, p. 70 s. 170a. Amended by No. 23, s. 6, 1940, p. 62, and by No. 26, s. 18, 1944, p. 71 s. 170b. Amended by No. 26, s. 19, 1944, p. 71 s. 178. Amended by No. 23, s. 7, 1940, p. 62 s. 181. Amended by No. 25, s. 6, 1941, p. 92 and by No. 46, s. 3, 1960, p. 172 s. 184. Amended by No. 26, s. 20, 1944, p. 72 s. 199. Amended by No. 23, s. 8, 1940, p. 62, and by No. 26, s. 21, 1944, p. 72 s. 200. Amended by No. 26, s. 22, 1944, p. 72 s. 201. Amended by No. 25, s. 7, 1941, p. 92, and by No. 26, s. 23, 1944, p. 72 s. 203. Amended by No. 26, s. 24, 1944, p. 72 s. 204. Repealed by No. 46, s. 4, 1960, p. 173 s. 204a. Amended by No. 46, s. 5, 1960, p. 173 s. 206. Amended by No. 26, s. 35, 1944, p. 73 s. 207. Amended by No. 26, s. 26, 1944, p. 73 s. 208. Amended by No. 26, s. 27, 1944, p. 73 s. 208aa. Amended by No. 26, s. 28, 1944, p. 73 s. 209a. Enacted by No. 26, s. 29, 1944, p. 73 s. 210. Amended by No. 23, s. 9, 1940, p. 62 s. 211. Amended by No. 25, s. 8, 1941, p. 93 s. 211a. Enacted by No. 23, s. 10, 1940, p. 63, and amended by No. 26, s. 30, 1944, p. 74 and by No. 42, s. 3, 1952, p. 120 s. 212. Amended by No. 23, s. 11, 1940, p. 63 s. 214. Repealed by No. 23, s. 12, 1940, p. 63 s. 216. Repealed by No. 23, s. 13, 1940, p. 63 s. 220. Amended by No. 46, s. 6, 1960, p. 173 s. 221. Amended by No. 23, s. 14, 1940, p. 63, by No. 25, s. 9, 1941, p. 93, and by No. 26, s. 31, 1944, p. 74 s. 222. Amended by No. 23, s. 15, 1940, p. 63

Act Affected.	How Affected.
<p>Crown Lands Act, 1929-1939 (1939, p. 414)—<i>continued</i>.</p>	<p>s. 223. Amended by No. 23, s. 16, 1940, p. 64 s. 225. Amended by No. 25, s. 10, 1941, p. 94 and by No. 46, s. 7, 1960, p. 173 <i>In re Symon : Public Trustee v. Symon and others</i> (1944) S.A.S.R. 102 s. 226. <i>Badenoch v. Nuske</i> (1940) S.A.S.R. 160 <i>In re Symon : Public Trustee v. Symon and others</i> (1944) S.A.S.R. 102 s. 227. <i>Badenoch v. Nuske</i> (1940) S.A.S.R. 160 <i>In re Symon : Public Trustee v. Symon and others</i> (1944) S.A.S.R. 102 s. 227a. Enacted by No. 23, s. 17, 1940, p. 64 s. 228a. Enacted by No. 23, s. 18, 1940, p. 64 s. 232. Amended by No. 23, s. 19, 1940, p. 65 s. 234a. Enacted by No. 26, s. 32, 1944, p. 74 s. 235. Amended by No. 26, s. 33, 1944, p. 74 s. 244a. Enacted by No. 26, s. 34, 1944, p. 75 s. 249a. Enacted by No. 25, s. 11, 1941, p. 94 s. 252a. Enacted by No. 25, s. 12, 1941, p. 95 s. 261. Amended by No. 27, s. 3, 1957, p. 68 s. 261a. Enacted by No. 27, s. 4, 1957, p. 70 s. 262b. Enacted by No. 23, s. 20, 1940, p. 65 s. 263a. Amended by No. 26, s. 35, 1944, p. 75 s. 263b. Enacted by No. 23, s. 21, 1940, p. 65, and amended by No. 26, s. 36, 1944, p. 75 s. 263b. Enacted by No. 44, s. 12, 1945, p. 225 s. 265b. Enacted by No. 26, s. 37, 1944, p. 76 s. 271a. Enacted by No. 23, s. 22, 1940, p. 66 s. 271b. Enacted by No. 23, s. 22, 1940, p. 66 s. 271c. Enacted by No. 25, s. 14, 1941, p. 95 s. 275. Amended by No. 23, s. 23, 1940, p. 67, and by No. 25, s. 13, 1941, p. 95 <i>Chapman v. Strawbridge</i> (1910) S.A.L.R. 118 s. 278. <i>Hall v. Barker</i> (1954) S.A.S.R. 86 s. 293. Amended by No. 23, s. 24, 1940, p. 67 s. 294a. Enacted by No. 23, s. 25, 1940, p. 67</p>
<p>Dairy Cattle Improvement Act, 1921-1934 (Vol. 2, p. 343)</p>	<p>s. 6. Amended by No. 47, s. 3, 1960, p. 175 s. 7a. Enacted by No. 49, s. 2, 1940, p. 153 and repealed by No. 47, s. 4, 1960, p. 176 First schedule. Amended by No. 9, s. 2 (1), 1955, p. 35</p>
<p>Dairy Industry Act, 1928-1935 (Vol. 2, p. 349)</p>	<p>s. 2. Repealed by No. 30 s. 3, 1957, p. 77 s. 3. Amended by No. 30, s. 4, 1957, p. 77 s. 4. Amended by No. 2378, s. 3, 1937, p. 129, by No. 37, s. 2 (2), 1939, p. 217, by No. 31, s. 3, 1942, p. 95, and by No. 30, s. 5, 1957, p. 78 s. 6a. Enacted by No. 30, s. 6, 1957, p. 79 Heading to section 7. Amended by No. 30, s. 7, 1957, p. 79 s. 7. Amended by No. 31, s. 4, 1942, p. 95 and by No. 30, s. 8, 1957, p. 79 s. 8. Amended by No. 37, s. 2 (2), 1939, p. 217 by No. 31, s. 5, 1942, p. 96, and by No. 30, s. 15, 1957, p. 83 s. 11. Amended by No. 37, s. 2 (2), 1938, p. 217 by No. 31, s. 6, 1942, p. 96, and by No. 30, s. 15, 1957, p. 83 s. 12. Amended by No. 31, s. 7, 1942, p. 96, and by No. 30, s. 15, 1957, p. 83 s. 13. Amended by No. 30, s. 15, 1957, p. 83 s. 19. Amended by No. 31, s. 8, 1942, p. 96, and by No. 30, s. 9, 1957, p. 81 s. 20. Amended by No. 30, s. 10, 1957, p. 82 s. 21. Amended by No. 31, s. 9, 1942, p. 96, and by No. 30, s. 11, 1957, p. 82 s. 22a. Enacted by No. 45, s. 3, 1958, p. 168</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Dairy Industry Act, 1923-1935 (Vol. 2, p. 349)— <i>continued</i> .	<p>s. 24. Substituted by No. 30, s. 12, 1957, p. 82 s. 24a. Enacted by No. 30, s. 13, 1957, p. 83 s. 25. Amended by No. 30, s. 14, 1957, p. 83 s. 26. Amended by No. 31, s. 11, 1942, p. 97, and by No. 30, s. 15, 1957, p. 83 s. 27. Amended by No. 31, s. 12, 1942, p. 97, and by No. 30, s. 15, 1957, p. 83 s. 28. Amended by No. 31, s. 13, 1942, p. 97, and by No. 30, s. 15, 1957, p. 83</p>
Dairy Produce Act, 1934-1935 (Vol. 2, p. 336)	<p>s. 3. Amended by No. 17, s. 3, 1946, p. 102 s. 5. Amended by No. 12, s. 3, 1940, p. 23 s. 8. Amended by No. 17, s. 4, 1946, p. 103 s. 15a. Enacted by No. 2345, s. 3, 1937, p. 12 s. 15b. Enacted by No. 17, s. 5, 1946, p. 103 s. 26. Amended by No. 2345, s. 4, 1937, p. 13, by No. 2393, s. 3, 1938, p. 39, by No. 12, s. 4, 1940, p. 23, by No. 6, s. 3, 1942, p. 11, by No. 5, s. 3, 1944, p. 11, and repealed by No. 17, s. 6, 1946, p. 103</p>
Dangerous Drugs Act, 1934 (Vol. 2, p. 372)	<p>s. 4. Amended by No. 31, s. 3 (1), 1955, p. 98 s. 5. Amended by No. 31, s. 4, 1955, p. 99 s. 6a. Enacted by No. 31, s. 5, 1955, p. 100 s. 7. Amended by No. 31, s. 6, 1955, p. 100 s. 10. Amended by No. 31, s. 7, 1955, p. 100 s. 12. Amended by No. 31, s. 8, 1955, p. 100</p>
Dentists Act, 1931-1936 (Vol. 2, p. 396)	<p>s. 4. Amended by No. 3, s. 3, 1960, p. 5 s. 6. Amended by No. 3, s. 4, 1960, p. 6 s. 12. Amended by No. 3, s. 5, 1960, p. 7 s. 14a. Enacted by No. 3, s. 6, 1960, p. 7 s. 15. Amended by No. 3, s. 7, 1960, p. 7 s. 16a. Enacted by No. 3, s. 8, 1960, p. 8 s. 18. Amended by No. 3, s. 9, 1960, p. 8 s. 21. <i>Taylor v. The Dental Board of South Australia</i> (1940) S.A.S.R. 306 s. 22a. Enacted by No. 3, s. 10, 1960, p. 9 s. 23. Amended by No. 3, s. 11, 1960, p. 9 ss. 28 and 29. Repealed by No. 3, s. 12, 1960, p. 9 s. 31, 32, 32a, 32b and 33. Repealed by No. 3, s. 12, 1960, p. 9 s. 40. Amended by No. 3, s. 13, 1960, p. 9 <i>McGrath v. Syme. Schonfeldt v. Syme</i> (1950) S.A.S.R. 14 s. 41. Amended by No. 3, s. 14, 1960, p. 9 s. 43. Amended by No. 3, s. 15, 1960, p. 10 s. 44. Amended by No. 3, s. 16, 1960, p. 10 s. 44a. Enacted by No. 3, s. 17, 1960, p. 10 s. 44b. Enacted by No. 3, s. 17, 1960, p. 10 s. 45. Amended by No. 3, s. 18, 1960, p. 11. <i>In re the Dentists Act, 1931-1939. Ex parte Schonfeldt</i> (1939) S.A.S.R. 380 s. 46. Substituted by No. 3, s. 19, 1960, p. 11 s. 47. Repealed by No. 3, s. 20, 1960, p. 11 s. 48. Amended by No. 3, s. 21, 1960, p. 11 <i>McGrath v. Syme. Schonfeldt v. Syme</i> (1950) S.A.S.R. 14 s. 48a. Enacted by No. 3, s. 22, 1960, p. 12 s. 50. Repealed by No. 3, s. 23, 1960, p. 12 s. 52. Amended by No. 3, s. 24, 1960, p. 12 s. 53. Amended by No. 3, s. 26, 1960, p. 13 s. 56. Amended by No. 3, s. 25, 1960, p. 13 <i>Syme v. McFarling</i> (1953) S.A.S.R. 207 s. 56a. Enacted by No. 3, s. 27, 1960, p. 13 s. 57. Amended by No. 3, s. 28, 1960, p. 13 s. 57a. Enacted by No. 3, s. 29, 1960, p. 14 s. 60. Amended by No. 3, s. 30, 1960, p. 14 Second schedule. Amended by No. 3, s. 31, 1960, p. 15 Third and fourth schedules. Repealed by No. 3, s. 12, 1960, p. 9</p>

Act Affected.	How Affected.
Discharged Soldiers Settlement Act, 1934-1935 (Vol. 2, p. 422)	s. 24. Amended by No. 24, s. 3, 1940, p. 68 ss. 24a to 24c. Enacted by No. 24, s. 4, 1940, pp. 69, 70 ss. 29a and 29b. Enacted by No. 24, s. 5, 1940, p. 71
Dog Fence Act, 1946 (1946, p. 155)...	s. 22. Amended by No. 29, s. 3, 1959, p. 81 and by No. 48, s. 3, 1962, p. 153 s. 23a. Enacted by No. 43, s. 2, 1949, p. 152 s. 24. Amended by No. 43, s. 3, 1949, p. 53, by No. 9, s. 2, 1953, p. 19, and by No. 14, s. 3, 1961, p. 42 s. 24a. Enacted by No. 48, s. 4, 1962, p. 154 s. 26. Amended by No. 9, s. 3, 1953, p. 19 and by No. 14, s. 4, 1961, p. 42 s. 27. Repealed by No. 14, s. 5, 1961, p. 42 s. 29. Amended by No. 14, s. 6, 1961, p. 43 s. 31. Amended by No. 9, s. 5, 1953, p. 20, and by No. 14, s. 7, 1961, p. 43 s. 32a. Enacted by No. 43, s. 4, 1949, p. 153 s. 43. Substituted by No. 32, s. 3, 1960, p. 91 s. 44. Substituted by No. 52, s. 3, 1960, p. 92 s. 44a. Enacted by No. 32, s. 3, 1960, p. 93
Dried Fruits Act, 1934 (Vol. 2, p. 462).	s. 8. Amended by No. 2415, s. 3, 1938, p. 136 s. 17a. Enacted by No. 34, s. 3, 1941, p. 127 s. 18. Substituted by No. 2415, s. 4, 1938, p. 136 s. 23. Amended by No. 2415, s. 5, 1938, p. 137 s. 24. Amended by No. 2415, s. 6, 1938, p. 137 s. 24a. Enacted by No. 2415, s. 7, 1938, p. 138 s. 33. Amended by No. 2415, s. 8, 1938, p. 139 <i>Warnecke v. Pope</i> (1950) S.A.S.R., 113 s. 34. Amended by No. 2415, s. 9, 1938, p. 139 s. 35. Amended by No. 2415, s. 10, 1938, p. 139 s. 39. Repealed by No. 2415, s. 11, 1938, p. 139
Early Closing Act, 1926-1935 (Vol 2, p. 477)	s. 4. Amended by No. 48, s. 3, 1960, p. 177 <i>Goodwins of Newton Pty. Limited v. Gurry</i> (1959) S.A.S.R. 295 s. 5. Amended by No. 48, s. 4, 1960, p. 177 s. 6. Amended by No. 48, s. 5, 1960, p. 178 s. 8. Amended by No. 48, s. 6, 1960, p. 178 s. 14. Amended by No. 48, s. 7, 1960, p. 178 s. 16. Repealed by No. 48, s. 8, 1960, p. 178 s. 18a. Enacted by No. 48, s. 9, 1960, p. 178 s. 25a. Amended by No. 48, s. 10, 1960, p. 179 s. 25b. Amended by No. 48, s. 11, 1960, p. 179 s. 25c. Amended by No. 48, s. 12, 1960, p. 179 s. 25d. Amended by No. 48, s. 13, 1960, p. 180 s. 25e. Amended by No. 48, s. 14, 1960, p. 180 s. 25f. Substituted by No. 48, s. 15, 1960, p. 181 s. 25g. Amended by No. 48, s. 16, 1960, p. 181 s. 26. Amended by No. 48, s. 17, 1960, p. 182 s. 29. Amended by No. 48, s. 18, 1960, p. 182 s. 30. Amended by No. 48, s. 19, 1960, p. 182 s. 31. Amended by No. 48, s. 20, 1960, p. 183 s. 34. Amended by No. 48, s. 21, 1960, p. 183 s. 35. Amended by No. 18, s. 3, 1940, p. 46, by No. 36, s. 3, 1945, p. 153, and by No. 35, s. 3, 1954, p. 99 s. 36. Amended by No. 18, s. 4, 1940, p. 46, by No. 36, s. 4, 1945, p. 154, and by No. 35, s. 4, 1954, p. 99 s. 36a. Enacted by No. 25, s. 3, 1952, p. 59 s. 37. Amended by No. 48, s. 22, 1960, p. 184 s. 37a. Enacted by No. 36, s. 5, 1945, p. 154 and amended by No. 48, s. 23, 1960, p. 184 s. 38. Amended by No. 48, s. 24, 1960, p. 184 s. 39. Amended by No. 18, s. 5, 1940, p. 46 and by No. 48, s. 25, 1960, p. 184 s. 40. Substituted by No. 48, s. 26, 1960, p. 185 s. 41. Repealed by No. 48, s. 27, 1960, p. 185 ss. 43 and 44. Repealed by No. 48, s. 27, 1960, p. 185

Act Affected.	How Affected.
Early Closing Act, 1926-1935 (Vol 2, p. 477)— <i>continued</i>	<p>s. 45. Amended by No. 48, s. 28, 1960, p. 185</p> <p>s. 46. Amended by No. 48, s. 29, 1960, p. 185</p> <p>s. 47. Substituted by No. 48, s. 30, 1960, p. 185</p> <p>s. 48. Amended by No. 35, s. 5, 1954, p. 100 and by No. 48, s. 31, 1960, p. 186</p> <p>s. 49. Amended by No. 48, s. 32, 1960, p. 186</p> <p>s. 50. Amended by No. 18, s. 6, 1940, p. 47, by No. 35, s. 6, 1954, p. 100, and by No. 48, s. 33, 1960, p. 187</p> <p>s. 53. Amended by No. 18, s. 7, 1940, p. 47</p> <p>s. 56. Amended by No. 18, s. 8, 1940, p. 47</p> <p>s. 57. Operation restricted by No. 35, s. 13, 1954, p. 101</p> <p>s. 72. Amended by No. 35, s. 7, 1954, p. 100 and by No. 48, s. 34, 1960, p. 187</p> <p><i>Gurry v. Badenoch</i> (1936) S.A.S.R. 441</p> <p>s. 73a. Enacted by No. 25, s. 4, 1952, p. 60</p> <p>s. 74. Amended by No. 35, p. 8, 1954, p. 100</p> <p>s. 75. Amended by No. 18, s. 9, 1940, p. 47</p> <p>s. 76. Amended by No. 18, s. 10, 1940, p. 47</p> <p>s. 77. Repealed by No. 35, s. 9, 1954, p. 100</p> <p>s. 78. Repealed by No. 18, s. 11, 1940, p. 47</p> <p>s. 90. Amended by No. 48, s. 35, 1960, p. 187</p> <p>Second schedule. Amended by No. 49, s. 3, 1953, p. 146, by No. 35, s. 10, 1954, p. 100 and by No. 48, s. 36, 1960, p. 188</p> <p>Third schedule. Amended by No. 36, s. 6, 1945, p. 155, by No. 35, s. 11, 1954, p. 100 and by No. 48, s. 37, 1960, p. 185</p> <p>Fourth schedule. Varied by regulation <i>Gazette</i> 1st October, 1959, p. 826</p> <p>Fifth schedule. Repealed by No. 35, s. 12, 1954, p. 101</p>
Education Act, 1915-1935 (Vol. 2, p. 525)	<p>s. 3. Amended by No. 24, s. 3, 1942, p. 67 and by No. 68, s. 4, 1960, p. 258</p> <p>s. 4. Amended by No. 43, s. 2, 1941, p. 182, and by No. 37, s. 3, 1945, p. 156</p> <p>s. 15. Amended by No. 43, s. 3, 1941, p. 182, and by No. 37, s. 4, 1945, p. 156</p> <p>s. 15a. Enacted by No. 22, s. 3, 1946, p. 110</p> <p>s. 16. Amended by No. 43, s. 4, 1941, p. 183</p> <p>s. 18a. Enacted by No. 31, s. 3, 1949, p. 96 and amended by No. 43, s. 3, 1951, p. 98, by No. 40, s. 4, 1958, p. 151, and by No. 22, s. 3, 1962, p. 53</p> <p>s. 18b. Enacted by No. 31, s. 3, 1949, p. 98 and amended by No. 68, s. 5 (1), 1960, p. 258</p> <p>s. 18c. Enacted by No. 31, s. 3, 1949, p. 99 and substituted by No. 43, s. 4, 1951, p. 98 and amended by No. 22, s. 4, 1962, p. 54</p> <p>s. 18d. Enacted by No. 31, s. 3, 1949, p. 99</p> <p>s. 19. Substituted by No. 37, s. 5, 1945, p. 157</p> <p>s. 20. Substituted by No. 37, s. 5, 1945, p. 157</p> <p>s. 21. Substituted by No. 37, s. 5, 1945, p. 157</p> <p>s. 22. Substituted by No. 37, s. 5, 1945, p. 157</p> <p>s. 23. Substituted by No. 37, s. 5, 1945, p. 158</p> <p>ss. 23a to 23d. Enacted by No. 37, s. 5, 1945, p. 158</p> <p>s. 25. Amended by No. 43, s. 6, 1941, p. 183</p> <p>s. 25a. Enacted by No. 29, s. 3, 1947, p. 76</p> <p>s. 26. Amended by No. 43, s. 7, 1941, p. 184</p> <p>s. 26a. Enacted by No. 43, s. 8, 1941, p. 184</p> <p>s. 26b. Enacted by No. 43, s. 8, 1941, p. 184</p> <p>s. 27. Amended by No. 43, s. 9, 1941, p. 184</p> <p>s. 28. Amended by No. 43, s. 10, 1941, p. 185</p> <p>ss. 28a to 28c. Enacted by No. 37, s. 6, 1945, pp. 158-160</p> <p>s. 28ca. Enacted by No. 3, s. 3, 1948, p. 28</p> <p>ss. 28d to 28p. Enacted by No. 37, s. 6, 1945, pp. 160-162</p> <p>s. 28q. Enacted by No. 37, s. 6, 1945, p. 162 and amended by No. 36, s. 3, 1954, p. 102</p>

Act Affected.	How Affected.
Education Act, 1915-1935 (Vol. 2, p. 525)— <i>continued</i> .	<p>ss. 28r to 28s. Enacted by No. 37, s. 6, 1945, p. 162 s. 28t. Enacted by No. 37, s. 6, 1945, p. 163 and repealed by No. 68, s. 6, 1960, p. 259 ss. 28u to 28z. Enacted by No. 37, s. 6, 1945, pp. 163, 164 ss. 28za to 28zd. Enacted by No. 68, s. 7, pp. 259-261 s. 31. Amended by No. 43, s. 11, 1941, p. 185 s. 32. Amended by No. 43, s. 12, 1941, p. 186 s. 32a. Enacted by No. 43, s. 13, 1941, p. 186 s. 38a. Enacted by No. 43, s. 14, 1941, p. 186 s. 39. Amended by No. 43, s. 15, 1941, p. 186 s. 40a. Enacted by No. 22, s. 4, 1946, p. 111 s. 41. Amended by No. 43, s. 16, 1941, p. 186, by No. 37, s. 7, 1945, p. 165, and by No. 22, s. 5, 1946, p. 111 s. 42. Amended by No. 43, s. 17, 1941, p. 186, and by No. 22, s. 6, 1946, p. 112 s. 43. Amended by No. 43, s. 18, 1941, p. 187 s. 44. Amended by No. 22, s. 7, 1946, p. 112 s. 45. Amended by No. 22, s. 6, 1946, p. 112 s. 46. Amended by No. 43, s. 19, 1941, p. 187 s. 48. Amended by No. 22, s. 7, 1946, p. 112 s. 52. Amended by No. 22, s. 7, 1946, p. 112 s. 57. Amended by No. 22, s. 7, 1946, p. 112 s. 58. Amended by No. 22, s. 7, 1946, p. 112 s. 59a. Enacted by No. 24, s. 4, 1942, p. 67 and varied by proclamation <i>Gazette</i> 15th August, 1958, p. 1274 ss. 59b to 59n. Inserted by No. 24, s. 4, 1942, pp. 68-72 s. 60. Amended by No. 43, s. 20, 1941, p. 187 s. 62. Substituted by No. 32, s. 4, 1940, p. 122 and amended by No. 37, s. 8, 1945, p. 165, and by No. 28, s. 3, 1947, p. 75 s. 67. Amended by No. 22, s. 7, 1946, p. 112 s. 68. Amended by No. 43, s. 21, 1941, p. 188 Second schedule. Amended by No. 22, s. 7, 1946, p. 112 Third schedule. Amended by No. 22, s. 7, 1946, p. 112</p>
Electoral Act, 1929-1934 (Vol. 2, p. 567)	<p>s. 8. Substituted by No. 52, s. 3, 1955, p. 159 s. 13. Amended by No. 2379, s. 2, 1937, p. 130 s. 71. Amended by No. 2379, s. 3, 1937, p. 130 s. 73. Amended by No. 2379, s. 4, 1937, p. 131, by No. 43, s. 2, (1), 1950, p. 121, by No. 52, s. 4, 1955, p. 160, and by No. 6, s. 3, 1959, p. 11 s. 74. Amended by No. 43, s. 2 (2), 1950, p. 121 s. 75. Amended by No. 52, s. 5, 1955, p. 160 s. 76. Amended by No. 52, s. 6, 1955, p. 161 s. 80. Substituted by No. 43, s. 3, 1950, p. 122, and amended by No. 52, s. 7, 1955, p. 161 s. 81. Amended by No. 26, s. 3, 1941, p. 98, and by No. 52, s. 8, 1955, p. 161 s. 86. Amended by No. 26, s. 4, 1941, p. 98, and by No. 52, s. 9, 1955, p. 161 s. 96. Amended by No. 2379, s. 5, 1937, p. 131 s. 101. Amended by No. 26, s. 5, 1941, p. 99 s. 103. Amended by No. 2379, s. 6, 1937, p. 131 s. 110a. Enacted by No. 35, s. 3, 1946, p. 171 s. 118a. Enacted by No. 37, s. 3, 1942, p. 130, and amended by No. 43, s. 4, 1950, p. 122 s. 123. Amended by No. 52, s. 10, 1955, p. 161 s. 125. Amended by No. 26, s. 6, 1941, p. 99 s. 136. Amended by No. 52, s. 11, 1955, p. 162 s. 137. Amended by No. 52, s. 12, 1955, p. 162 s. 138. Repealed by No. 52, s. 13, 1955, p. 162 s. 154. Amended by No. 26, s. 7, 1941, p. 99 ss. 155a to 155c. Enacted by No. 52, s. 14, 1955, pp. 162-164</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Electoral Act, 1929-1934 (Vol. 2, p. 567) —continued.	s. 198. Amended by No. 30, s. 2, 1943, p. 78 Fifth schedule. Amended by proclamation <i>Gazette</i> 20th February, 1958, p. 627.
Electricity Act, 1943 (1943, p. 80)	s. 2. Amended by No. 3, s. 39, 1946, p. 16
Electricity Trust of South Australia Act, 1946 (1946, p. 5)	s. 6. Amended by No. 22, s. 3, 1952, p. 53, and by No. 53, s. 3, 1954, p. 145 s. 8a. Enacted by No. 22, s. 4, 1952, p. 53 and repealed by No. 53, s. 4, 1954, p. 145 s. 15. <i>The Electricity Trust of South Australia v.</i> <i>Liners Limited</i> (1950) S.A.S.R. 133 s. 20a. Enacted by No. 22, s. 5, 1952, p. 54 ss. 26a to 26d. Enacted by No. 53, s. 5, 1954, pp. 145-147 s. 28. Amended by No. 25, s. 3, 1946, p. 120 s. 30. Amended by No. 25, s. 4, 1946, p. 120 s. 31. Substituted by No. 25, s. 5, 1946, p. 120 s. 32. Substituted by No. 25, s. 5, 1946, p. 122 s. 33. Repealed by No. 25, s. 5, 1946, p. 120 s. 40. <i>Bennett & Fisher Ltd. v. Electricity Trust of South</i> <i>Australia</i> 35 A.L.J.R. 481 ss. 43a to 43d. Enacted by No. 25, s. 6, 1946, pp. 122, 123 s. 43da. Enacted by No. 44, s. 3, 1949, p. 154 ss. 43e to 43h. Enacted by No. 25, s. 6, 1946, p. 124 s. 44. Amended by No. 25, s. 6, 1946, p. 125
Emergency Powers Act, 1948 (1941, p. 8)	s. 2. Amended by No. 42, s. 3, 1952, p. 121
Employees Registry Offices Act, 1915-1934 (Vol. 2, p. 632)	s. 2a. Enacted by No. 41, s. 3, 1939, p. 259 s. 13. Substituted by No. 29, s. 3, 1953, p. 78 s. 13a. Enacted by No. 29, s. 3, 1953, p. 79 s. 14. Amended by No. 29, s. 4, 1953, p. 79 s. 14a. Enacted by No. 29, s. 5, 1953, p. 79 Fifth schedule. Repealed by No. 29, s. 6, 1953, p. 80
Encroachments Act, 1944 (1944, p. 59)	s. 2. <i>Bolton and another v. Clutterbuck and others</i> (1955) S.A.S.R. 253
Enfield General Cemetery Act, 1944 (1944, p. 146)	s. 14. Amended by No. 33, s. 3, 1960, p. 94 s. 16. Amended by No. 33, s. 4, 1960, p. 94 s. 22a. Enacted by No. 35, s. 5, 1960, p. 95 s. 23. Amended by No. 17, s. 2, 1949, p. 62, and by No. 46, s. 8, 1952, p. 130, and by No. 12, s. 2, 1956, p. 36 s. 24. Amended by No. 17, s. 3, 1949, p. 62 and by No. 46, s. 9, 1952, p. 130 s. 27. Amended by No. 33, s. 6, 1960, p. 95 s. 32. Amended by No. 33, s. 7, 1960, p. 95 s. 33. Amended by No. 33, s. 8, 1960, p. 96 s. 38. Amended by No. 33, s. 9, 1960, p. 96 s. 39. Amended by No. 33, s. 10, 1960, p. 96 s. 42. Amended by No. 33, s. 11, 1960, p. 96 Fourth schedule. Amended by No. 17, s. 4, 1949, p. 62 and by No. 46, s. 10, 1952, p. 130
Evidence Act, 1929-1933 (Vol. 2, p. 649)	This Act, as amended by No. 40, 1940, p. 129, No. 27, 1941, p. 100, No. 29, 1945, p. 133, No. 5, 1947, p. 7, No. 36, 1949, p. 121, No. 42, 1952, p. 119, No. 26, 1955, p. 85 and No. 36, 1957, p. 94, and with notes of judicial decisions, is reprinted in the 1958 volume, p. 235. <i>See also</i> the following paragraph

Act Affected.	How Affected.
Evidence Act, 1929-1957 (1958, p. 235)	<p>s. 18. <i>Stuart v. The Queen</i> (1959) 101 C.L.R. 1; 33 A.L.J.R. 113, affirming <i>R. v. Stuart</i> (1959) S.A.S.R. 144</p> <p>s. 30. <i>Adami v. The Queen</i> 33 A.L.J.R. 391 affirming <i>E. Adami</i> (1959) S.A.S.R. 81</p> <p>s. 34c. <i>In the estate of Constantine, deceased; Constantine v. Constantinides</i> (1960) S.A.S.R. 19 <i>Murphy v. Haskell</i> (1961) S.A.S.R. 1</p> <p>s. 40. <i>Verran (falsely called Wilton) v. Spearman (falsely called Wilton)</i> (1959) S.A.S.R. 259</p> <p>s. 45. <i>N.T.I. Limited v. Queenstand Insurance Company Limited</i> (1962) S.A.S.R. 51</p> <p>s. 67. Amended by No. 25, s. 3, 1960, p. 64</p>
Explosives Act, 1936 (Vol. 2, p. 677)	<p>s. 42. Amended by No. 33, s. 3, 1958, p. 126</p> <p>s. 52. Amended by No. 33, s. 4, 1958, p. 126 and by No. 23, s. 3, 1962, p. 55</p>
Fair Prices Act, 1924-1935 (Vol. 2, p. 699)	<p>s. 11. <i>In the matter of an application under the Fair Prices Act, 1924-1935</i> (1961) S.A.S.R. 33</p>
Farmers Assistance Act, 1933-1936 (Vol. 2, p. 707)	<p>ss. 5 and 6. Repealed by No. 26, s. 13, 1943, p. 68</p> <p>s. 12. Amended by No. 2418, s. 2, 1938, p. 170, and by No. 26, s. 14, 1943, p. 68</p> <p>s. 13. Amended by No. 26, s. 15, 1943, p. 68</p> <p>s. 16. Amended by No. 26, s. 16, 1943, p. 68</p> <p>s. 29. Amended by No. 2418, s. 3, 1938, p. 170</p> <p>s. 31. <i>Chapman v. Wade</i> (1939) S.A.S.R. 298</p> <p>s. 41. Amended by No. 33, s. 3, 1939, p. 195</p> <p>ss. 42 to 57. Repealed by No. 26, s. 18, 1943, p. 69</p> <p>s. 60. Amended by No. 26, s. 19, 1943, p. 69</p> <p>s. 80. Repealed by No. 26, s. 18, 1943, p. 69</p>
Fauna and Flora Reserve Act, 1919-1935 (Vol. 2, p. 740)	<p>s. 16a. Enacted by No. 25, s. 3, 1940, p. 73</p>
Fibre and Sponges Act, 1909-1935 (Vol. 3, p. 27)	<p>s. 7a. Enacted by No. 2369, s. 3, 1937, p. 104</p>
Financial Agreement Act, 1927 (Vol. 3, p. 33)	<p>The Financial Agreement made on 12th December, 1927, and as varied by the provisions of other agreements made on 3rd July, 1934, and on 15th November, 1944, is reprinted, as a schedule to the Amending Financial Agreement Act, 1944, in the 1944 volume, p. 122</p>
Financial Emergency Act, 1931-1936 (Vol. 3, p. 46)	<p>s. 14. Repealed by No. 2342, s. 3, 1937, p. 11</p> <p>s. 15. Repealed by No. 2342, s. 3, 1937, p. 11</p>
Financial Emergency Act Extension Act, 1934 (Vol. 3, p. 66)	<p>s. 3. Amended by No. 39, s. 3, 1939, p. 249</p>
Fire Brigades Act, 1936 (Vol. 3, p. 78)	<p>s. 5. Amended by No. 2389, s. 3 (1), 1938, p. 18</p> <p>s. 24a. Enacted by No. 25, s. 2, 1944, p. 64</p> <p>s. 26. Amended by No. 7, s. 2, 1958, p. 16</p> <p>s. 27a. Enacted by No. 25, s. 3, 1944, p. 64</p> <p>s. 32. Amended by No. 2389, s. 3 (2), 1938, p. 18</p> <p>s. 53. Amended by No. 2389, s. 2, 1938, p. 17 and by No. 32, s. 3, 1942, p. 98</p> <p>s. 54. Amended by No. 32, s. 4, 1942, p. 98</p> <p>s. 58. Amended by No. 2389, s. 3 (3), 1938, p. 18</p> <p>s. 60a. Enacted by No. 32, s. 5, 1942, p. 99</p> <p>s. 68. Amended by No. 32, s. 6, 1942, p. 100</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Fisheries Act, 1917-1935 (Vol. 3, p. 115)	This Act, as amended by No. 2391, 1938, p. 29 and No. 2419, 1938, p. 171, and with notes of judicial decisions, is reprinted in the 1938 volume, p. 338. <i>See also</i> the following paragraph
Fisheries Act, 1917-1938 (1938, p. 338)	s. 4. Amended by No. 18, s. 2, 1946, p. 104 and by No. 35, s. 3, 1962, p. 99 s. 6. Amended by No. 18, s. 3, 1946, p. 104 and by No. 35, s. 4, 1962, p. 100 s. 7a. Enacted by No. 26, s. 3, 1956, p. 67 s. 13. Amended by No. 18, s. 4, 1946, p. 104 and by No. 35, s. 5, 1962, p. 100 s. 14. Amended by No. 18, s. 5, 1946, p. 105 s. 14a. Amended by No. 18, s. 6, 1946, p. 105 and by No. 35, s. 6, 1962, p. 100 s. 16. Amended by No. 35, s. 7, 1962, p. 100 s. 53. Amended by No. 18, s. 7, 1946, p. 105 and by No. 35, s. 8, 1962, p. 101 s. 56. Amended by No. 35, s. 9, 1962, p. 101 s. 59. Amended by No. 35, s. 10, 1962, p. 102
Food and Drugs Act, 1908-1935 (Vol. 3, p. 139)	s. 5. Amended by No. 13, s. 3, 1954, p. 30 s. 5a. Enacted by No. 21, s. 2, 1943, p. 74 s. 5b. Enacted by No. 13, s. 4, 1954, p. 31 s. 6a. Enacted by No. 13, s. 5, 1954, p. 31 s. 15. Amended by No. 8, s. 3, 1939, p. 24, and by No. 67, s. 2, 1949, p. 242 s. 15a. Enacted by No. 8, s. 4, 1939, p. 24 s. 22a. <i>Gepp v. Anderson</i> (1949) S.A.S.R. 135 s. 25a. Enacted by No. 21, s. 3, 1943, p. 47 s. 27. Amended by No. 13, s. 2, 1953, p. 28 s. 29. Amended by No. 21, s. 4, 1943, p. 48 s. 51. Amended by No. 10, s. 2, 1950, p. 22 s. 57. Substituted by No. 21, s. 5, 1943, p. 48 s. 58. Amended by No. 21, s. 6, 1943, p. 49 s. 61. Amended by No. 21, s. 7, 1943, p. 49, by No. 13, s. 3, 1953, p. 29, by No. 13, s. 6, 1954, p. 32, and by No. 12, s. 3, 1962, p. 36 s. 61a. Enacted by No. 21, s. 8, 1943, p. 49 s. 62. Substituted by No. 21, s. 9, 1943, p. 49
Footwear Regulation Act, 1920 (Vol. 3, p. 173)	s. 5. Substituted by No. 45, s. 3, 1949, p. 156 s. 6. Substituted by No. 45, s. 3, 1949, p. 158 s. 10. Amended by No. 45, s. 4, 1949, p. 158
Forestry Act, 1950 (1950, p. 40)	s. 6. Amended by No. 27, s. 2, 1956, p. 69
Friendly Societies Act, 1919-1936	This Act, as amended by No. 2374, 1937, p. 121, No. 2425, 1938, p. 233, No. 32, 1940, p. 92, No. 8, 1946, p. 32, No. 24, 1949, p. 79, No. 37, 1950, p. 109, No. 19, 1952, p. 46, No. 32, 1954, p. 90, and No. 52, 1956, p. 162, and with notes of judicial decisions, is reprinted in the 1956 volume, p. 231. <i>See also</i> the following paragraph
Friendly Societies Act, 1919-1956 (1956, p. 231)	s. 7. Amended by No. 25, s. 3, 1961, p. 66 s. 9. Amended by No. 25, s. 4, 1961, p. 67 s. 9a. Amended by No. 25, s. 5, 1961, p. 67 s. 12. Amended by No. 25, s. 6, 1961, p. 67 s. 23. Amended by No. 25, s. 7, 1961, p. 67 Second schedule. Varied by proclamations, <i>Gazette</i> 14th December, 1961, p. 1963; 6th September, 1962, p. 590

Act Affected.	How Affected.
Fruit Fly Act, 1947 (1947, p. 12)	s. 3. Amended by No. 23, s. 3, 1953, p. 56 s. 4. Amended by No. 11, s. 2, 1943, p. 72, by No. 27, s. 3, 1949, p. 85, by No. 24, s. 2, 1950, p. 70, by No. 10, s. 3, 1952, p. 22, by No. 23, s. 4, 1953, p. 56, and by No. 14, s. 3, 1955, p. 48 s. 5. Amended by No. 11, s. 3, 1948, p. 72, and by No. 27, s. 4, 1949, p. 85 s. 8. Amended by No. 23, s. 5, 1953, p. 57 Schedule. Substituted by No. 14, s. 4, 1955, p. 48
Garden Suburb Act, 1919-1936 (Vol. 3, p. 223)	s. 15. Amended by No. 50, s. 4, 1960, p. 191 ss. 16, 17 and 18. Repealed by No. 50, s. 5, 1960, p. 192 s. 23. Amended by No. 50, s. 6, 1960, p. 192 s. 23b. Amended by No. 50, s. 7, 1960, p. 192 s. 23d. Repealed by No. 50, s. 8, 1960, p. 192 s. 28. Amended by No. 50, s. 10, 1960, p. 193 s. 29. Repealed by No. 50, s. 5, 1960, p. 192
Gas Act, 1924 (Vol. 3, p. 236)	s. 5. Amended by No. 4, s. 4, 1954, p. 7 s. 5a. Enacted by No. 4, s. 5, 1954, p. 8 s. 7. Amended by No. 4, s. 6, 1954, p. 8 s. 8. Amended by No. 4, s. 9, 1954, p. 9 s. 9. Amended by No. 4, s. 9, 1954, p. 9 s. 12. Amended by No. 4, s. 9, 1954, p. 9 s. 13. Amended by No. 4, s. 9, 1954, p. 9 s. 15. Amended by No. 4, s. 9, 1954, p. 9 s. 16. Amended by No. 4, s. 9, 1954, p. 9 s. 17. Amended by No. 4, s. 9, 1954, p. 9 s. 18. Amended by No. 33, s. 3, 1950, p. 97 and by No. 4, s. 9, 1954, p. 9 s. 19. Amended by No. 4, s. 7, 1954, p. 8 s. 20. Amended by No. 4, s. 9, 1954, p. 9 s. 21. Amended by No. 4, s. 9, 1954, p. 9 s. 23. Amended by No. 4, s. 9, 1954, p. 9 s. 25. Amended by No. 4, s. 9, 1954, p. 9 s. 27. Amended by No. 33, s. 4, 1950, p. 98, and by No. 26, s. 3, 1961, p. 68 s. 29a. Enacted by No. 33, s. 5, 1950, p. 98 s. 30. Amended by No. 33, s. 6, 1950, p. 99 s. 31. Amended by No. 33, s. 7, 1950, p. 99 s. 33. Amended by No. 33, s. 8, 1950, p. 99 s. 35. Amended by No. 33, s. 9, 1950, p. 99 s. 36. Amended by No. 33, s. 10, 1950, p. 99 s. 38. Substituted by No. 17, s. 3, 1955, p. 55 ss. 39 and 40. Repealed by No. 17, s. 3, 1955, p. 55 s. 40a. Enacted by No. 17, s. 4, 1955, p. 56 s. 41. Amended by No. 17, s. 5, 1955, p. 56 s. 43. Amended by No. 17, s. 6, 1955, p. 56, and by No. 26, s. 4, 1961, p. 69. s. 44. Repealed by No. 17, s. 7, 1955, p. 56 s. 45. Substituted by No. 17, s. 8, 1955, p. 56 s. 45a. Enacted by No. 33, s. 11, 1950, p. 99 s. 45b. Enacted by No. 17, s. 9, 1955, p. 56 s. 46. Amended by No. 17, s. 10, 1955, p. 58 s. 49. Amended by No. 17, s. 11, 1955, p. 59 s. 50. Amended by No. 17, s. 12, 1955, p. 59 s. 51. Repealed by No. 17, s. 13, 1955, p. 59 s. 55. Amended by No. 4, s. 8, 1954, p. 9 s. 56. Enacted by No. 17, s. 14, 1955, p. 59 First schedule. Amended by No. 33, s. 12, 1950, p. 99 and by No. 4, s. 9, 1954, s. 9 Second schedule. Repealed by No. 17, s. 15, 1955, p. 59
Guardianship of Infants Act, 1940 (1940, p. 186)	s. 6. <i>In re Wilkinson</i> (1941) S.A.S.R. 231, reversing <i>in re W.</i> (1941) S.A.S.R. 188 <i>Wilkinson v. Wilkinson</i> (1944) S.A.S.R. 239

Table of Amendments and Cases.

Act Affected.	How Affected.
Guardianship of Infants Act, 1940 (1940, p. 186)— <i>continued.</i>	<i>In the matter of Santa Maria Gazzola, Maria Anna Gazzola, and Augusto Bruno Gazzola (Infants)</i> (1953) S.A.S.R. 333 s. 10. <i>In re H., an Infant</i> (1960) S.A.S.R. 55 s. 11. <i>Hedges v. Hedges</i> (1944) S.A.S.R. 266 <i>Besanko v. Besanko</i> (1949) S.A.S.R. 275
Hairdressers Registration Act 1939 (1939, p. 161)	s. 19. Amended by No. 27, s. 2, 1946, p. 128 s. 19a. Enacted by No. 27, s. 3, 1946, p. 129 s. 21. Amended by No. 44, s. 2, 1951, p. 100 s. 29. Amended by No. 44, 2. 3, 1951, p. 101
Harbors Act, 1936 (Vol. 3, p. 333)	s. 69. Amended by No. 12, s. 3, 1943, p. 26 s. 71a. Enacted by No. 52, s. 2, 1950, p. 172 s. 71b. Enacted by No. 50, s. 3, 1955, p. 155 and amended by No. 36, s. 3, 1962, p. 103 s. 115. Amended by No. 34, s. 3, 1953, p. 87 s. 116. Amended by No. 17, s. 3, 1947, p. 43 s. 144. Amended by No. 34, s. 4, 1953, p. 87 Fourth schedule. Enacted by No. 52, s. 3, 1950, p. 172
Hawkers Act, 1934 (Vol. 3, p. 425) . . .	s. 9a. Enacted by No. 5, s. 2, 1941, p. 12. s. 9b. Enacted by No. 5, s. 2, 1941, p. 13 s. 11. Amended by No. 5, s. 3, 1941, p. 13 s. 16a. Enacted by No. 5, s. 4, 1941, p. 13 s. 20. Amended by No. 42, s. 3, 1948, p. 187 and by No. 43, s. 3(1), 1960, p. 165 <i>Ward v. Pearson</i> (1939) S.A.S.R. 419
Health Act, 1935-1936 (Vol. 3, p. 432)	This Act, as amended by No. 33, 1940, p. 93, No. 35, 1941, p. 128, No. 13, 1943, p. 27, No. 34, 1943, p. 96, No. 48, 1947, p. 139, No. 14, 1950, p. 34, No. 39, 1950, p. 114, No. 45, 1951, p. 102, No. 15, 1952, p. 31, No. 18, 1953, p. 45, No. 14, 1954, p. 33, and No. 27, 1955, p. 87, and with notes of judicial decisions, is reprinted in the 1955 volume, p. 267. <i>See also</i> the following paragraph
Health Act, 1935-1955 (1955, p. 267) . .	s. 51. Amended by No. 28, s. 4(c), 1956, p. 74 s. 61. Amended by No. 28, s. 4(d), 1956, p. 74 s. 77. Amended by No. 28, s. 4(a), 1956, p. 74 s. 81. Amended by No. 28, s. 4(e), 1956, p. 74 s. 83. Amended by No. 28, s. 4(d), 1956, p. 74 s. 85. Amended by No. 28, s. 4(c), 1956, p. 74 s. 88. Amended by No. 28, s. 4(c), 1956, p. 74 s. 90. Amended by No. 28, s. 4(d), 1956, p. 74 s. 95. Amended by No. 28, s. 4(b), 1956, p. 74 s. 98. Amended by No. 28, s. 4(c), 1956, p. 74 s. 100. Amended by No. 28, s. 4(c), 1956, p. 74 s. 101. Amended by No. 28, s. 4(c), 1956, p. 74 s. 102. Amended by No. 28, s. 4(c), 1956, p. 74 s. 110. Amended by No. 28, s. 4(d), 1956, p. 74 s. 111. Amended by No. 28, s. 4(d), 1956, p. 74 s. 112. Amended by No. 28, s. 4(d), 1956, p. 74 s. 113. Amended by No. 28, s. 4(c), 1956, p. 74 s. 117. Amended by No. 28, s. 4(c), 1956, p. 74 <i>Piro and another v. Boorman</i> (1958) S.A.S.R. 226 s. 118. Amended by No. 28, s. 4(d), 1956, p. 74 s. 119. Amended by No. 28, s. 4(d), 1956, p. 74 s. 121. Amended by No. 28, s. 4(c), 1956, p. 74 s. 123. Amended by No. 28, s. 4(d), 1956, p. 74, by No. 48, s. 3, 1959, p. 163, and by No. 4, s. 3, 1960, p. 16 s. 124. Amended by No. 28, s. 4(d), 1956, p. 74, and by No. 42, s. 3, 1957, p. 112 s. 127. Amended by No. 28, s. 4(b), 1956, p. 74 s. 128. Amended by No. 28, s. 4(b), 1956, p. 74

Act Affected.	How Affected.
Health Act, 1935-1955 (1955, p. 267) <i>—continued.</i>	s. 132. Amended by No. 28, s. 4(d), 1956, p. 74 s. 134. Amended by No. 28, s. 4(b), 1956, p. 74 s. 135. Amended by No. 28, s. 4(a), 1956, p. 74 s. 137. Amended by No. 28, s. 4(b), 1956, p. 74 s. 138. Amended by No. 28, s. 4(d), 1956, p. 74 s. 139. Amended by No. 28, s. 4(b), 1956, p. 74 s. 140. Amended by No. 28, s. 4(d), 1956, p. 74 s. 146. Amended by No. 28, s. 4(d), 1956, p. 74 s. 146a. Amended by No. 28, s. 4(d), 1956, p. 74, and by No. 27, s. 3, 1961, p. 70 ss. 146o to 146q. Enacted by No. 28, s. 3, pp. 71-73 s. 147. Amended by No. 28, s. 4(c), 1956, p. 74 s. 151. Amended by No. 28, s. 4(c), 1956, p. 74 s. 156. Amended by No. 28, s. 4(c), 1956, p. 74 s. 169. Amended by No. 28, s. 4(e), 1956, p. 74
Hide, Skin, and Wool Dealers Act, 1915-1935 (Vol. 3, p. 476)	s. 2. Amended by No. 15, s. 4, 1959, p. 34 s. 10. Amended by No. 15, s. 5, 1959, p. 35 s. 12. Substituted by No. 15, s. 6, 1959, p. 35 s. 13. Substituted by No. 15, s. 7, 1959, p. 36 s. 16. Amended by No. 15, s. 8, 1959, p. 36
Highways Act, 1926-1936 (Vol. 3, p. 483)	s. 6. Amended by No. 34, s. 3, 1960, p. 97 s. 7. Amended by No. 34, s. 4, 1960, p. 97 s. 8. Amended by No. 47, s. 2, 1953, p. 136 s. 11. Amended by No. 2388, s. 5, 1938, p. 16 s. 14. Amended by No. 47, s. 3, 1953, p. 136 s. 16. Amended by No. 2388, s. 5, 1938, p. 16 s. 17. Amended by No. 47, s. 4, 1953, p. 136 s. 20. Amended by No. 47, s. 5, 1953, p. 136 s. 20a. Amended by No. 47, s. 6, 1953, p. 137 s. 20b. Amended by No. 47, s. 7, 1953, p. 137 s. 20c. Enacted by No. 36, s. 2, 1944, p. 161, and amended by No. 47, s. 8, 1953, p. 137 s. 22. Amended by No. 47, s. 9, 1953, p. 137 s. 23. Amended by No. 47, s. 10, 1953, p. 137 s. 26. Amended by No. 47, s. 11, 1953, p. 137 s. 26a. Amended by No. 47, s. 12, 1953, p. 137 s. 26b. Amended by No. 34, s. 5, 1960, p. 98 s. 26c. Enacted by No. 36, s. 3, 1944, p. 162 s. 26d. Enacted by No. 36, s. 4, 1944, p. 162 s. 27a. Amended by No. 47, s. 13, 1953, p. 137 s. 27b. Enacted by No. 6, s. 2, 1949, p. 10, and amend- ed by No. 47, s. 14, 1953, p. 137 s. 27ba. Enacted by No. 6, s. 2, 1949, p. 132 s. 27d. Amended by No. 36, s. 5, 1944, p. 16 s. 28. Substituted by No. 47, s. 16, 1953, p. 138 s. 29. <i>Bonnett v. Commissioner of Highways</i> (1956) S.A.S.R. 10 ss. 30a to 30e. Enacted by No. 34, s. 6, 1960, pp. 98-100 Part III. Heading amended by No. 36, s. 9, 1944, p. 164 s. 31. Substituted by No. 2388, s. 3, 1938, p. 14, and amended by No. 36, ss. 6 (2) and 9, 1944, pp. 163, 164, by No. 6, s. 3, 1949, p. 14, and by No. 33, s. 3 (1), 1955, p. 102 s. 31a. Amended by No. 2350, s. 4, 1937, p. 40 and repealed by No. 2388, s. 3, 1938, p. 14, and new section enacted by No. 33, s. 4, 1955, p. 102 s. 32. Amended by No. 2388, ss. 4 and 5, 1938, p. 16, by No. 36, s. 6 (1), 1944, p. 163, by No. 33, s. 18, 1948, p. 174, and by No. 47, s. 17, 1953, p. 138 s. 33. Amended by No. 2388, ss. 5 and 6, 1938, p. 16 s. 34. Amended by No. 2388, s. 5, 1938, p. 16 s. 35. Amended by No. 2350, s. 5, 1937, p. 40, and by No. 47, s. 18, 1953, p. 138 s. 36. Amended by No. 2350, s. 6, 1937, p. 41

Table of Amendments and Cases.

Act Affected.	How Affected.
Highways Act, 1926-1936 (Vol. 3, p. 483) —continued.	s. 36a. Enacted by No. 36, s. 7, 1944, p. 164 and substituted by No. 40, s. 2, 1954, p. 111 s. 36b. Enacted by No. 47, s. 19, 1953, p. 138 s. 36c. Enacted by No. 47, s. 19, 1953, p. 139 s. 36d. Enacted by No. 47, s. 19, 1953, p. 139 s. 36e. Enacted by No. 47, s. 19, 1953, p. 140 s. 37. Amended by No. 47, s. 20, 1953, p. 140 s. 38. Amended by No. 47, s. 21, 1953, p. 140 s. 39. Amended by No. 47, s. 22, 1953, p. 140 s. 39c. Amended by No. 36, s. 9, 1944, p. 164 s. 39d. Amended by No. 36, s. 8, 1944, p. 164 s. 43. Amended by No. 34 s. 7, 1960, p. 101
Hire-purchase Agreements Act, 1960 (1960, p. 262)	s. 46a. Enacted by No. 37, s. 3, 1962, p. 105 s. 46b. Enacted by No. 37, s. 3, 1962, p. 106 s. 46c. Enacted by No. 37, s. 3, 1962, p. 106
Holidays Act, 1910-1935 (Vol. 3, p. 519)	s. 3b. Enacted by No. 29, s. 4, 1958, p. 121 s. 4a. Enacted by No. 6, s. 3, 1947, p. 8 Second schedule. Amended by No. 6, s. 4, 1947, p. 9 Third schedule. Enacted by No. 29, s. 5, 1958, p. 121
Holidays Act Amendment Act, 1958 (1958, p. 120)	2. Amended by No. 21, s. 2, 1959, p. 58
Homes Act, 1941 (1941, p. 131).....	This Act, as amended by No. 9, 1947, p. 18, No. 18, 1949, p. 64, No. 30, 1950, p. 85, No. 17, 1951, p. 31, No. 38, 1952, p. 110, No. 15, 1956, p. 41 and No. 18, 1957, p. 46, and with notes of judicial decisions, is reprinted in the 1957 volume, p. 218. <i>See also</i> the following paragraph
Homes Act, 1941-1957 (1957, p. 218)	s. 4. Amended by No. 27, s. 2, 1958, p. 84 s. 7. Amended by No. 27, s. 3, 1958, p. 84 and by No. 24, s. 3, 1962, p. 57
Honey Marketing Act, 1949 (1949, p. 100)	s. 21. Amended by No. 44, s. 3, 1953, p. 127 s. 36a. Enacted by No. 44, s. 4, 1953, p. 127 s. 37. Amended by No. 44, s. 5, 1953, p. 128 and by No. 5, s. 3, 1959, p. 10
Hospitals Act, 1934 (Vol. 3, p. 531)...	s. 4. Amended by No. 10, s. 2, 1941, p. 23 s. 16. Amended by No. 13, s. 3, 1962, p. 37 s. 33. Amended by No. 47, s. 4, 1958, p. 182 s. 47. Amended by No. 10, s. 4, 1941, p. 23, and by No. 41, s. 3, 1959, p. 134 <i>Spiller v. Webb and another</i> (1940) S.A.S.R. 10 s. 48. Amended by No. 28, s. 3, 1961, p. 72 s. 49. Substituted by No. 30, s. 3, 1951, p. 61 and amended by No. 20, s. 2, 1952, p. 50 ss. 50 to 55. Substituted by No. 30, s. 3, 1951, pp. 61-65 ss. 56 to 58. Enacted by No. 30, s. 3, 1951, p. 65
Hospital Benefits Act, 1945 (1945, p. 77)	Schedule. Amendments authorized by No. 36, s. 3, 1948, p. 164
Housing Agreement Act, 1956 (1956, p. 20)	Schedule. Amended by No. 15, schedule, 1961, p. 46
Housing Improvement Act, 1940 (1940, p. 192)	s. 4. Amended by No. 15, s. 2, 1942, p. 45 s. 11. Substituted by No. 15, s. 3, 1942, p. 46 s. 11a. Enacted by No. 15, s. 3, 1942, p. 46 s. 11b. Enacted by No. 15, s. 3, 1942, p. 46 s. 11c. Enacted by No. 15, s. 3, 1942, p. 46 s. 16. Amended by No. 15, s. 4, 1942, p. 46, by No. 19, s. 2, 1950, p. 53, by No. 48, s. 2, 1958, p. 184, and by No. 16, s. 3, 1961, p. 49

Act Affected.	How Affected.
Housing Improvement Act, 1940 (1940, p. 192)— <i>continued</i> .	<p>s. 16a. Enacted by No. 16, s. 4, 1961, p. 51 s. 18. Amended by No. 28, s. 2, 1946, p. 131 s. 21a. Enacted by No. 22, s. 2, 1943, p. 50 s. 23. Amended by No. 19, s. 3, 1950, p. 54 s. 26. Repealed by No. 20, s. 2, 1947, p. 48 s. 43. Amended by 48, s. 3, 1958, p. 185 s. 44a. Enacted by No. 15, s. 5, 1942, p. 46 s. 54. Amended by No. 15, s. 6, 1942, p. 47 s. 55. Amended by No. 15, s. 7, 1942, p. 47 s. 56a. Enacted by No. 22, s. 3, 1943, p. 51 s. 56b. Enacted by No. 22, s. 3, 1943, p. 51 s. 57. Amended by No. 15, s. 8, 1942, p. 47 s. 58. Amended by No. 15, s. 9, 1942, p. 47 s. 59. Amended by No. 22, s. 4, 1943, p. 51 s. 74. Amended by No. 22, s. 5, 1943, p. 52 s. 90. Enacted by No. 22, s. 6, 1943, p. 52</p>
Immigration Act, 1923-1935 (Vol. 3, p. 554)	s. 10. Amended by No. 2344, s. 2, 1937, p. 14
Impounding Act, 1920-1935 (Vol. 3, p. 563.)	<p>s. 3. Amended by No. 2413, s. 2, 1938, p. 129 s. 11. Amended by No. 10, s. 2, 1947, p. 19 s. 12. Amended by No. 10, s. 3, 1947, p. 20 s. 14. Amended by No. 2413, s. 3, 1938, p. 129, and by No. 10, s. 4, 1947, p. 20 s. 15. Amended by No. 26, s. 3, 1962, p. 66 s. 15a. Enacted by No. 26, s. 4, 1962, p. 66 s. 19. Amended by No. 2413, s. 4, 1938, p. 129 s. 25. Amended by No. 10, s. 5, 1947, p. 20 and by No. 26, s. 5, 1962, p. 67 s. 26. Amended by No. 10, s. 6, 1947, p. 20 s. 28. Amended by No. 2413, s. 5, 1938, p. 130 s. 32. Amended by No. 10, s. 7, 1947, p. 20 s. 33. Amended by No. 10, s. 8, 1947, p. 21 s. 34. Amended by No. 10, s. 9, 1947, p. 21 s. 39. Amended by No. 10, s. 10, 1947, p. 21 s. 42. Amended by No. 10, s. 11, 1947, p. 21 s. 45. Amended by No. 26, s. 6, 1962, p. 67 s. 46. Amended by No. 2413, s. 6, 1938, p. 130, by No. 10, s. 12, 1947, p. 21, and by No. 26, s. 7, 1962, p. 67. <i>Snell v. Ryan</i> (1951) S.A.S.R. 59 s. 46a. Enacted by No. 2413, s. 7, 1938, p. 130 Fourth schedule. Substituted by No. 26, s. 8, 1962, p. 67 Fifth Schedule. Substituted by No. 26, s. 8, 1962, p. 67 Sixth schedule. Substituted by No. 26, s. 8, 1962, p. 67 Seventh schedule. Amended by No. 10, s. 13, 1947, p. 22</p>
Income Tax Assessment Act, 1936 (Vol. 3, p. 593)	This Act, as amended by No. 37, 1941, p. 138, and with notes of judicial decisions, is reprinted in the 1941 volume, p. 251. <i>See also</i> the following paragraph.
Income Tax Assessment Act, 1936-1941 (1941, p. 251)	<p>s. 15. <i>Honeychurch v. Honeychurch</i> (1943) S.A.S.R. 31, reversing <i>Honeychurch and another v. Honeychurch and another</i> (1942) S.A.S.R., 206. Special leave to appeal to the High Court refused, 66 C.L.R. 672 (note) s. 226. <i>Burrows v. Harris</i> (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 236. <i>Burrows v. Harris</i> (1944) S.A.S.R. 3. Appeal to the High Court dismissed, 69 C.L.R. 640 (note); (1944) S.A.S.R. XIX. (note) s. 251. Amended by No. 36, s. 3, 1946, p. 174</p>

Table of Amendments and Cases.

Act Affected	How Affected.
Income Tax Suspension Act, 1942 (1942, p. 73)	s. 8. Repealed by No. 36, s. 4, 1946, p. 175
Industrial and Provident Societies Act, 1925-1935 (Vol. 3, p. 703)	<p>s. 5. Amended by No. 26, s. 3, 1958, p. 82</p> <p>s. 8. <i>United Co-operative Dairymen Ltd. v. Rayner</i> (1952) S.A.S.R. 81</p> <p>s. 15. Amended by No. 23, s. 3, 1952, p. 56</p> <p>s. 16. Amended by No. 23, s. 4, 1952, p. 56</p> <p>s. 25. Amended by No. 26, s. 4 (1), 1958, p. 82</p> <p>s. 26. Amended by No. 26, s. 5, 1958, p. 83</p> <p>s. 27. Amended by No. 26, s. 6, 1958, p. 83</p> <p>s. 59. Substituted by No. 26, s. 7, 1958, p. 83</p> <p>s. 65. Amended by No. 19, s. 3, 1954, p. 48</p> <p>Second schedule. Amended by No. 26, s. 8, 1958, p. 83</p>
Industrial Code, 1920-1936 (Vol. 3, p. 733)	<p>s. 2. Amended by No. 32, s. 4 (1), 1943, p. 90</p> <p>s. 5. Amended by No. 20, s. 3, 1950, p. 55, by No. 51, s. 39, 1950, p. 170, and by No. 14, s. 3, 1951, p. 25</p> <p><i>Clerks Case</i> (1941) 17 S.A.I.R. 13</p> <p><i>Junior Constables Case</i> (1943) 17 S.A.I.R. 334</p> <p><i>Hospitals Employees Case</i>, 25, S.A.I.R. 189</p> <p><i>Seamen (Manning Scale) Case</i> 28 S.A.I.R. 295</p> <p><i>Fibrous Plasters (Piecework) Case</i>, 29 S.A.I.R. 141</p> <p>s. 11. Amended by No. 49, s. 3, 1947, p. 143</p> <p>s. 12. Amended by No. 49, s. 4, 1947, p. 143</p> <p>ss. 12a. to 12c. Enacted by No. 49, s. 5, 1947, pp. 143, 144</p> <p>s. 12d. Enacted by No. 49, s. 5, 1947, p. 144, and substituted by No. 21, s. 3, 1955, p. 68</p> <p>s. 12e. Enacted by No. 49, s. 5, 1947, p. 145, and substituted by No. 21, s. 3, 1955, p. 69</p> <p>s. 12ea. Enacted by No. 21, s. 3, 1955, p. 70</p> <p>s. 12f. Enacted by No. 49, s. 5, 1947, p. 145, and amended by No. 21, s. 4, 1955, p. 70</p> <p>s. 12g. Enacted by No. 49, s. 5, 1947, p. 145</p> <p>ss. 12h and 12i. Enacted by No. 49, s. 5, 1947, p. 146 and repealed by No. 21, s. 5, 1955, p. 71</p> <p>s. 13. Amended by No. 49, s. 6, 1947, p. 146, by No. 15, s. 2, 1948, p. 92, by No. 14, s. 4, 1951, p. 25, by No. 3, s. 6, 1955, p. 7, by No. 34, s. 3, 1958, p. 128, by No. 10, s. 4, 1959, p. 21, and by No. 20, s. 4, 1960, p. 56</p> <p>s. 17. <i>Broken Hill Proprietary Company Employees (Variation of Award) Case</i> (No. 2) 19 S.A.I.R. 160</p> <p><i>Agricultural Implement Manufacturers' Clerks Case</i> 19 S.A.I.R. 245</p> <p><i>Miscellaneous Mining Case</i> 19 S.A.I.R. 287</p> <p><i>Municipal Corporation Employees Case</i> 21 S.A.I.R. 5</p> <p><i>Tug and Barge Employees (Deckhands, etc.) Case</i> (No. 1) 21 S.A.I.R. 88</p> <p><i>Forty-Hour Week Case</i> 21 S.A.I.R. 239</p> <p><i>Boarding House, Cafe, etc., Employees (Right of Entry) Case</i> 21 S.A.I.R. 273</p> <p>s. 17 (1) (a). <i>In re Country Bricklayers and Country Builders' Labourers Awards</i> (1939) 16 S.A.I.R. 1</p> <p><i>Caretakers and Cleaners (Right of Entry) Case</i> (1941) 16 S.A.I.R. 308</p> <p><i>Right of Entry (Adelaide Hospital) Case</i> (1944) 18 S.A.I.R. 81</p> <p>s. 17 (1) (b). <i>In re The Industry of Carpenters and Joiners</i> (1936) S.A.S.R. 417 : 14 S.A.I.R. 18</p> <p><i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38</p> <p><i>Typewriters Mechanics Case</i> (1938) 15 S.A.I.R. 30</p> <p><i>Commercial Travellers Case</i> (1938) 15 S.A.I.R. 162</p>

Act Affected.	How Affected.
Industrial Code, 1920-1936 (Vol. 3, p. 733)— <i>continued.</i>	<p><i>Retail Pharmaceutical Chemists Case</i> (1939) 15 S.A.I.R. 452</p> <p><i>In re Wages and Working Conditions of Persons employed as Clerks and Clerical Workers and Office Workers</i> (1941) S.A.S.R. 65</p> <p><i>Clerks Case</i> (1939) 16 S.A.I.R. 84</p> <p><i>Window-Display Employees Case</i> 20 S.A.I.R. 172</p> <p><i>Country Watchmen Case</i> 22 S.A.I.R. 178</p> <p><i>Plasterers and Terrazo Workers Board (Interpretation) Case</i> 25 S.A.I.R. 57</p> <p><i>Stock and Station Agents Employees Case</i> 27 S.A.I.R. 83</p> <p>s. 17 (1) (c). <i>Whyalla Wharf Workers Case</i> 19 S.A.I.R. 1</p> <p>s. 17 (2). <i>Boarding House, Cafe, Etc., Employees (Annual Leave, Etc.) Case</i> (1942) 17 S.A.I.R. 279I7</p> <p><i>Bicycle Manufacturing, Etc., Case</i> (1943) 17 S.A.I.R., 302</p> <p><i>Shop Assistants Case</i> 19 S.A.I.R. 378</p> <p><i>Shop Assistants (Uniforms, Etc.) Case</i> 22 S.A.I.R. 213</p> <p>s. 18. <i>Country Hotels (Variation of Award) Case</i> (1941) 17 S.A.I.R., 53</p> <p><i>Country Boarding House, Cafe, Etc., Employees (Variation of Award) Case</i> (1942) 17 S.A.I.R., 298</p> <p>s. 21. <i>Whyalla and Iron Knob Case</i> (1937) 14 S.A.I.R. 141</p> <p><i>Saddlery, Leatherware, Etc., Board Case</i> (1937) 14 S.A.I.R. 156</p> <p><i>Coopers Case</i> (1937) 14 S.A.I.R. 200</p> <p><i>Milk Processing and Cheese, Etc. Manufacturing Case</i> (1938) 15 S.A.I.R. 61</p> <p><i>Rope and Nail Making Industry (Hours) Case</i> (1930) 15 S.A.I.R. 113</p> <p><i>Woolscourers Case</i> (1938) 15 S.A.I.R. 201</p> <p><i>Rubber Workshops and Tyre Re-Treading Case</i> (1938) 15 S.A.I.R. 236</p> <p><i>Country Quarries Case</i> (1935) 15 S.A.I.R. 253</p> <p><i>Country Stonemasons Case</i> (1939) 15 S.A.I.R. 342</p> <p><i>Salt and Gypsum Industries Case</i> (1938-1939) 15 S.A.I.R. 357</p> <p><i>Bread-carters (Annual Leave) Case</i> (1939) 16 S.A.I.R. 11</p> <p><i>British Tube Mills Case</i> (1940) 16 S.A.I.R. 138</p> <p><i>Photographers Case</i> (1941) 16 S.A.I.R. 210</p> <p><i>Shop and Warehouse Employees (Hours) Case</i> (1941) 16 S.A.I.R. 221</p> <p><i>Caretakers and Cleaners Case</i> (1940) 16 S.A.I.R. 214</p> <p><i>Cement Manufacturing Industry Case</i> (1941) 67 S.A.I.R. 347</p> <p><i>Country Hotel Barmen Case</i> (1941) 16 S.A.I.R. 378</p> <p><i>Clerks (Marginal Rates) Case</i> 24 S.A.I.R. 143</p> <p>s. 21 (1) (e). <i>Government Hospitals, Etc., Board Case</i> (1939) 15 S.A.I.R. 302</p> <p>s. 21 (1) (f). <i>Rope and Nail Making Industry (Hours) Case</i> (1930) 15 S.A.I.R. 113</p> <p>s. 21 (1) (g). <i>Country Hotels Case</i> (1936) 15 S.A.I.R. 109</p> <p><i>Jamesstown Shop and Warehouse Employees (Common Rule) Case</i> (1938) 15 S.A.I.R. 271</p> <p><i>Brick, Tile and Earthenware Making (Common Rule) Case</i> 21 S.A.I.R. 179</p> <p>s. 21 (1) (i). <i>Country Breadcarters Case</i> (1938) 15 S.A.I.R. 20</p> <p><i>Caretakers and Cleaners (Right of Entry) Common Rule Case</i> (1941) 16 S.A.I.R. 342</p> <p><i>Police Officers Case</i> (1942) 17 S.A.I.R. 71</p> <p><i>Abattoirs Board Employees Case</i> (1942) 17 S.A.I.R. 273</p>

Act Affected.	How Affected.
Industrial Code, 1920-1936 (Vol. 3, p. 733)— <i>continued.</i>	<p><i>South Australian Gas Company Clerical Workers Case</i> (1943) 17 S.A.I.R. 314</p> <p>s. 21 (1) (o). <i>Cleaners Case</i> (1936) 14 S.A.I.R. 63</p> <p><i>Rubber Workshops and Tyre Re-treading Case</i> (1938) 16 S.A.I.R. 126</p> <p><i>Asbestos-Cement Manufacturing (Variation of Award) Case</i> (1941) 16 S.A.I.R. 359</p> <p><i>The Broken Hill Proprietary Company Employees Case</i> (1940) 16 S.A.I.R. 391</p> <p>s. 21 (1) (p). <i>South Australian Gas Company Clerical Workers Case</i> (1943) 17 S.A.I.R. 314</p> <p>s. 21 (1) (t). <i>Bank Employees (Holiday Pay) Case</i> (1942) 17 S.A.I.R. 205</p> <p><i>Plasterers and Terrazzo Workers Board (Interpretation) Case</i> 25 S.A.I.R. 57</p> <p>s. 21a. Enacted by No. 15, s. 3, 1948, p. 92</p> <p><i>In re Consolidating Awards and Orders</i> 22 S.A.I.R. 353</p> <p>s. 30. Amended by No. 65, s. 3, 1949, p. 230</p> <p>s. 36 (2). <i>Mount Burr Forest Case</i> (1938) 16 S.A.I.R. 103</p> <p><i>Broken Hill Proprietary Company Employees (Variation of Award) Case (No. 1)</i> 19 S.A.I.R. 53</p> <p><i>In re Broken Hill Proprietary Company Employees Award (Case No. 1)</i> 20 S.A.I.R. 123</p> <p><i>Goods (Obnoxious Substances) Transshipping Case</i> 20 S.A.I.R. 155</p> <p>s. 40. <i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38</p> <p>s. 41 (g). <i>In re The Industry of Plastering</i> (1937) S.A.S.R. 217 : 14 S.A.I.R. 38</p> <p>s. 43. Amended by No. 65, s. 4, 1949, p. 231</p> <p><i>Cleaners Case</i> (1936) 14 S.A.I.R. 63</p> <p>s. 45. Amended by No. 65, s. 5, 1949, p. 231, and by No. 14, s. 5, 1951, p. 26</p> <p><i>Fibrous Plasterers (Junior Rates) Case</i> 29 S.A.I.R. 76</p> <p>s. 46. Amended by No. 65, s. 6, 1949, p. 232</p> <p>s. 46c. Amended by No. 65, s. 7, 1949, p. 232</p> <p>s. 47. <i>Port Pirie Shop and Warehouse Employees (Variation of Award) Case</i> (1944) 18 S.A.I.R. 1</p> <p><i>Motor Vehicles Drivers (Variation of Awards) Case</i> (1944) 18 S.A.I.R. 220</p> <p><i>Bank Clerks (Variation of Award) Case</i> 20 S.A.I.R. 14</p> <p><i>Fibrous Plasterers (Common Rule) Case</i> 28 S.A.I.R. 235</p> <p>s. 54. <i>Plumbers and Gasfitters Board Case</i> 22 S.A.I.R. 188</p> <p><i>Shop Board—Suspension of Determination—Case</i> 29 S.A.I.R. 154</p> <p>s. 55. <i>Shop Board No. 2 Case</i> (1940) 16 S.A.I.R. 77</p> <p>s. 57. Amended by No. 15, s. 4, 1948, p. 93</p> <p><i>Municipal Corporations and District Councils Board Case</i> (1936) S.A.I.R. 6</p> <p><i>Hydraulic Engineer's Department Board Case</i> (1937) 14 S.A.I.R. 132</p> <p><i>Shop Board No. 1 Case</i> (1940) 16 S.A.I.R. 264</p> <p><i>Clerks Board No. 1 Case</i> 21 S.A.I.R. 74</p> <p><i>Retail Pharmaceutical Chemists Board Case</i> 26 S.A.I.R. 144</p> <p><i>Plasterers and Terrazo Workers Board Case</i> 29 S.A.I.R. 182</p> <p>s. 63. <i>Association of Architects, Engineers, Surveyors and Draughtsmen (Registration Case)</i> 27 S.A.I.R. 115</p> <p>s. 65. <i>Women Teachers' Guild Registration Case</i> (1939) 16 S.A.I.R. 31</p> <p><i>Amalgamated Society of Carpenters and Joiners of South Australia (Registration) Case</i> 25 S.A.I.R. 156</p>

Act Affected.	How Affected.
Industrial Code, 1920-1936 (Vol. 3, p. 733)— <i>continued</i> .	<p>s. 66. <i>Women Teachers' Guild Registration Case</i> (1939) 16 S.A.I.R. 31 <i>S.A. Gas Company's Salaried Officers' Association Case</i> (1944) 18 S.A.I.R. 57 <i>Adelaide Electric Supply Company's Salaried Officers' Association Case</i> (1944) 18 S.A.I.R. 200</p> <p>s. 71. <i>Ironworkers' Association Case</i> 20 S.A.I.R. 67 <i>Ryan v. Federated Clerks Union of Australia (South Australian Branch) and others</i> (1951) S.A.S.R. 249</p> <p>s. 85. <i>The Bank Officials' Association Case</i> (1942) 17 S.A.I.R. 217 <i>Brick, Tile and Pottery Union (De-registration) Case</i> 19 S.A.I.R. 351</p> <p>s. 100. <i>Gregg v. Plasterer's Society of S.A.</i> 28 S.A.I.R. 33</p> <p>s. 102. <i>Chief Inspector v. Plasterers' Society of South Australia</i> 26 S.A.I.R. 76</p> <p>s. 121. <i>Modra Homann Woollana Fertilisers Ltd. v. Hatch</i> (1941) 16 S.A.I.R. 253 <i>Cooper, Daley, Jukes v. Hunkin</i> (1942) S.A.S.R. 162</p> <p>s. 123. <i>Sugars v. Cavanagh</i> 28 S.A.I.R. 98 <i>Plasterers Society of S.A. (De-registration) Case</i> 28 S.A.I.R. 168 <i>Australian Workers' Union, South Australian Branch—New Rules</i> 28 S.A.I.R. 320</p> <p>s. 140. Amended by No. 20, s. 4, 1950, p. 56, by No. 51, s. 39, 1950, p. 170, and by No. 14, s. 3, 1951, p. 25 (Definition of "improver" <i>Opie and Opie v. Stephens</i> (1938) 15 S.A.I.R. 48 (Definition of "industrial matters" (<i>Government Masters, Mates, Etc., Board Case</i> (1935) 13 S.A.I.R. 318</p> <p>s. 145. <i>Plasterers Demarcation Board Case</i> 27 S.A.I.R. 153</p> <p>s. 146. <i>In re Employer Representatives on Industrial Boards</i>, 23 S.A.I.R., 95</p> <p>s. 148. Amended by No. 15, s. 5, 1948, p. 93 <i>In re Employee Representatives on Industrial Boards</i> 25 S.A.I.R. 208 <i>Shop Board (No. 1) (Selection of Representative Members) Case</i> 28 S.A.I.R. 273</p> <p>s. 152. <i>In re Appointment of Chairman of Industrial Board</i>, 23 S.A.I.R. 173 <i>In re Appointment of Chairmen of Shop Boards</i> 24 S.A.I.R. 40</p> <p>s. 156. <i>In re Filling of Vacancy on Industrial Board</i> 23 S.A.I.R. 233</p> <p>s. 167. Amended by No. 15, s. 6, 1948, p. 93, by No. 27, s. 2, 1951, p. 55, and by No. 51, s. 3, 1955, p. 157 <i>Painters and Decorators' Etc., Board Case</i> (1936) 14 S.A.I.R. 74 <i>Building Board Case</i> (1938) 15 S.A.I.R. 86 <i>Boarding House, Cafe, Etc., Employees (Annual Leave, Etc.) Case</i> (1942) 17 S.A.I.R. 279 <i>Brick, Tile, and Earthenware Making Case</i> 19 S.A.I.R. 85 <i>Shop Board No. 2 Case</i> 20 S.A.I.R. 47 <i>Shop Assistants (Sick Leave) Case</i> 21 S.A.I.R. 92</p> <p>s. 167 (a). <i>Hydraulic Engineer's Department Board Case</i> (1937) 14 S.A.I.R. 132 <i>Retail Pharmaceutical Chemists' Board (Interpretation) Case</i> (1937) 14 S.A.I.R. 180 <i>Building Board Case</i> (1937) 14 S.A.I.R. 189 <i>Sinclair v. The Friendly Societies Medical Association Incorporated</i> (1938) 15 S.A.I.R. 7 <i>Municipal Corporations and District Councils Board Case</i> (1938) 15 S.A.I.R. 141 <i>Abattoirs Board Case</i> (1939) 15 S.A.I.R. 412</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Industrial Code, 1920-1936 (Vol. 3, p. 733)— <i>continued.</i>	<p><i>Government General Construction Workers Board Case (No. 2) (1941) 16 S.A.I.R. 333</i></p> <p><i>Stone, Gravel and Sand Board Case (1941) 16 S.A.I.R. 372</i></p> <p><i>Municipal Officers Board Determination Case (1944) 18 S.A.I.R. 17</i></p> <p><i>Shop Assistants (Uniforms, Etc.) Case, 22 S.A.I.R. 213</i></p> <p><i>Government Storemen, Packers, etc., Board Case 27 S.A.I.R. 53</i></p> <p>s. 167 (b). <i>Saddlery, Leatherware, Etc., Board Case (1937) 14 S.A.I.R. 156</i></p> <p><i>Radio Manufacturing, Etc., Board Case (1938) 15 S.A.I.R. 58</i></p> <p><i>Printing Board Case (1939) 15 S.A.I.R. 407</i></p> <p><i>Shop Board Case (1940) 16 S.A.I.R. 77</i></p> <p><i>Shop and Warehouse Employees (Hours) Case (1941) 16 S.A.I.R. 221</i></p> <p><i>Shop Boards (Nos 1 and 2) Case 26 S.A.I.R. 1</i></p> <p>s. 167 (c). <i>Engineering and Water Supply Department Board Case (1939) 15 S.A.I.R. 395</i></p> <p><i>Storemen and Packers Board Case (1941) 16 S.A.I.R. 236</i></p> <p><i>Painters and Decorators etc. Board Case 27 S.A.I.R. 98</i></p> <p>s. 167 (e). <i>Municipal Corporations and District Councils Board Case (1936) 14 S.A.I.R. 6</i></p> <p><i>Municipal Corporations and District Councils Board Case (1938) 15 S.A.I.R. 141</i></p> <p>s. 167 (h). <i>Breadcarters Board Case (1941) 16 S.A.I.R. 296</i></p> <p><i>Fibrous Plaster Board Case 24 S.A.I.R. 257</i></p> <p>s. 168. <i>Service Stations and Parking Stations Board Case (1941) 16 S.A.I.R. 292</i></p> <p><i>Breadcarters Board Determination (Interpretation) Case (1944) 18 S.A.I.R. 48</i></p> <p><i>Restaurant Board Case 22 S.A.I.R. 134</i></p> <p><i>Glanville Pipe Works Board Case 22 S.A.I.R. 297</i></p> <p>s. 169. Amended by No. 65, s. 8, 1949, p. 233</p> <p>s. 170. <i>Restaurant Board Appeal Case 20 S.A.I.R. 197</i></p> <p>s. 180 (f). <i>Bicycle Makers Board Case (1938) 15 S.A.I.R. 15</i></p> <p><i>Government Masters, Mates, Etc., Board Case (1939) 15 S.A.I.R. 268</i></p> <p><i>Jewellers and Opticians' Board Case (1939) 15 S.A.I.R. 436</i></p> <p><i>Shop Board No. 2 Case (1941) 16 S.A.I.R. 283</i></p> <p>s. 181. <i>Engineering and Water Supply Department Board Case 24 S.A.I.R. 1</i></p> <p>s. 183. <i>Laundries Board Case (1941) 16 S.A.I.R. 186</i></p> <p><i>Government General Construction Workers Board Case (No. 1) (1941) 16 S.A.I.R. 326</i></p> <p>s. 186. Amended by No. 51, s. 4, 1955, p. 157</p> <p>s. 186 (3). <i>Painters and Decorators' Etc., Board Case (1936) 14 S.A.I.R. 74</i></p> <p>s. 189. <i>Shop Board No. 2 Case (1940) 16 S.A.I.R. 51</i></p> <p>s. 194. Amended by No. 65, s. 9, 1949, p. 233, and by No. 14, s. 6, 1951, p. 26</p> <p><i>Fibrous Plasterers (Junior Rates) Case 29 S.A.I.R. 76</i></p> <p>s. 195. Amended by No. 65, s. 10, 1949, p. 234</p> <p>s. 195b. Amended by No. 65, s. 11, 1949, p. 235</p> <p>s. 207. <i>Gurry v. Lonsdale (1941) 16 S.A.I.R. 206</i></p> <p>s. 209. <i>Pitt Ltd. v. Cavanagh 27 S.A.I.R. 122</i></p> <p>s. 216. <i>Shop Assistants (Right of Entry) Case 21 S.A.I.R. 8</i></p> <p>s. 218. Amended by No. 2346, s. 4, 1937, p. 22</p> <p>ss. 219 to 223a. Repealed by No. 51, s. 39, 1950, p. 170</p> <p>s. 235. <i>Opie and Opie v. Stephens (1938) 15 S.A.I.R. 48</i></p> <p><i>Western v. Baldock (1944) 18 S.A.I.R. 34</i></p>

Act Affected.	How Affected.
Industrial Code, 1920-1936 (Vol. 3, p. 733)— <i>continued</i> .	<p>s. 253. Amended by No. 14, s. 7, 1951, p. 26 s. 255. Substituted by No. 14, s. 8, 1951, p. 27 s. 256. Amended by No. 14, s. 9, 1951, p. 27 s. 257. Substituted by No. 14, s. 10, 1951, p. 27 s. 262. <i>Hairdressers Board Determination (Interpretation) Case</i> 19 S.A.I.R. 344 s. 264a. Enacted by No. 65, s. 12, 1949, p. 235 s. 269a. Enacted by No. 65, s. 13, 1949, p. 235, and amended by No. 20, s. 5, 1950, p. 56 s. 269b. Enacted by No. 20, s. 6, 1950, p. 57 s. 269c. Enacted by No. 47, s. 3, 1950, p. 135 s. 276. Amended by No. 32, s. 4 (2), 1943, p. 90 s. 279. Amended by No. 20, s. 7, 1950, p. 59, and by No. 14, s. 3, 1951, p. 25 s. 321. <i>Kerr v. Leaney</i> (1937) S.A.S.R. 495 <i>Piro v. W. Foster & Company Ltd.</i> (1943) 68 C.L.R. 313; 17 A.L.J. 268; reversing <i>Piro v. W. Foster & Company Limited</i> (1943) S.A.S.R. 68 <i>Betts v. Whittingslowe</i> (1945) 71 C.L.R. 637 19 A.L.J. 322, reversing <i>Betts v. Whittingslowe</i> (No. 2) (1944) S.A.S.R. 166 <i>Davies v. Adelaide Chemical and Fertilizer Company Limited</i> (1946) 74 C.L.R. 541; 20 A.L.J. 460, reversing <i>Davies v. Adelaide Chemical and Fertilizer Company Limited</i> (1946) S.A.S.R. 1 s. 360. Substituted by No. 32, s. 2, 1943, p. 87 ss. 360a to 360f. Enacted by No. 32, s. 3, 1943, pp. 88-90 Fourth schedule. Repealed by No. 51, s. 39, 1950, p. 170 Sixth schedule. Substituted by regulation <i>Gazette</i> 1st October, 1959, p. 824</p>
Industries Development Act, 1941 (1941, p. 106)	<p>s. 8. Amended by No. 23, s. 3, 1943, p. 53 s. 10. Amended by No. 23, s. 4, 1943, p. 53 s. 14. Amended by No. 50, s. 3, 1947, p. 147 s. 15. Repealed by No. 23, s. 5, 1943, p. 53 s. 16a. Enacted by No. 23, s. 6, 1943, p. 54 s. 16aa. Enacted by No. 34, s. 3, 1951, p. 77 s. 16b. Enacted by No. 23, s. 6, 1943, p. 54 s. 17. Amended by No. 23, s. 7, 1943, p. 55 s. 18. Substituted by No. 23, s. 8, 1943, p. 55 s. 19a. Enacted by No. 50, s. 4, 1947, p. 148, and amended by No. 46, s. 3, 1949, p. 159 s. 20. Amended by No. 23, s. 9, 1943, p. 55 s. 22. Amended by No. 23, s. 10, 1943, p. 55 s. 23. Amended by No. 23, s. 11, 1943, p. 56 s. 25. Enacted by No. 39, s. 2, 1958, p. 149</p>
Institute of Medical and Veterinary Science Act, 1937 (1937, p. 109)	<p>s. 5. Amended by No. 6, s. 3, 1944, p. 12 s. 18. Amended by No. 14, s. 3, 1962, p. 38</p>
Interest on Crown Advances and Leases Act, 1944 (1944, p. 29)	<p>s. 2. Amended by No. 35, s. 2, 1951, p. 79 s. 3. Amended by No. 35, s. 3, 1951, p. 80</p>
Inter-State Destitute Persons Relief Act, 1910-1934 (Vol. 4, p. 41)	<p>s. 4. Amended by No. 28, s. 3, 1955, p. 90 s. 6. Amended by No. 14, s. 3 (1), 1943, p. 29, and by No. 28, s. 4, 1955, p. 91 s. 7. Amended by No. 14, s. 3 (1), 1943, p. 29, and by No. 28, s. 5, 1955, p. 91 s. 12a. Enacted by No. 14, s. 4, 1943, p. 29 s. 14. Amended by No. 14, ss. 3 (1) 5, 1943, pp. 29, 30, and by No. 28, s. 6, 1955, p. 91 s. 15. Amended by No. 28, s. 7, 1955, p. 91 s. 16. Amended by No. 28, s. 8, 1955, p. 91 s. 18a. Enacted by No. 13, s. 3, 1958, p. 30 s. 19. Amended by No. 14, s. 3 (1), 1943, p. 29, and by No. 28, s. 9, 1955, p. 91 s. 20. Amended by No. 28, s. 10, 1955, p. 92 s. 21a. Enacted by No. 14, s. 6, 1943, p. 30 s. 22. Substituted by No. 14, s. 7, 1943, p. 31</p>

Table of Amendments and Cases.

Act Affected	How Affected.
Inter-State Destitute Persons Relief Act, 1910-1934 (Vol. 4, p. 41)— <i>continued</i> .	<p>s. 27a. Amended by No. 28, s. 11, 1955, p. 92 First schedule. Amended by No. 28, s. 12, 1955, p. 92 Second schedule. Amended by No. 28, s. 13, 1955, p. 92</p>
Irrigation Act, 1930-1936 (Vol. 4, p. 56)	<p>s. 4. Amended by No. 38, s. 16, 1941, p. 162 s. 6. Amended by No. 38, s. 2, 1941, p. 150 s. 15. Repealed by No. 21, s. 2, 1945, p. 75 s. 23. Amended by No. 38, s. 3, 1941, p. 150 s. 25. Amended by No. 38, s. 4, 1941, p. 150 s. 28. Amended by No. 21, s. 3, 1945, p. 75 s. 29. Amended by No. 21, s. 4, 1945, p. 75 s. 30. Amended by No. 21, s. 5, 1945, p. 76 s. 31. Amended by No. 21, s. 6, 1945, p. 76 s. 34. Substituted by No. 21, s. 7, 1945, p. 77 s. 35a. Enacted by No. 21, s. 8, 1945, p. 77 s. 47. Amended by No. 38, s. 5, 1941, p. 151, and by No. 21, s. 9, 1945, p. 78 s. 48a. Enacted by No. 38, s. 6, 1941, p. 151 s. 48b. Enacted by No. 21, s. 10, 1945, p. 78 ss. 60 to 64. Repealed by No. 38, s. 10, 1941, p. 152 s. 68. Amended by No. 38, s. 7, 1941, p. 151 s. 74. Amended by No. 38, s. 8, 1941, p. 151 s. 75. Amended by No. 38, s. 9, 1941, p. 151, and by No. 21, s. 18 (1), 1945, p. 82 s. 80a. Enacted by No. 38, s. 11, 1941, p. 152 s. 80b. Enacted by No. 38, s. 11, 1941, p. 152 s. 80c. Enacted by No. 38, s. 11, 1941, p. 153 and substituted by No. 21, s. 11 (1), 1945, p. 79 s. 80d. Enacted by No. 38, s. 11, 1941, p. 153 and, amended by No. 21, s. 12, 1945, p. 79 s. 80e. Enacted by No. 38, 1941, s. 11, p. 154 s. 80f. Enacted by No. 38, 1941, s. 11 p. 154 and amended by No. 21, s. 13, 1945, p. 80 s. 80g. Enacted by No. 38, 1941, s. 11, p. 155, and amended by No. 21, s. 14, 1945, p. 80 s. 80h. Enacted by No. 38, 1941, s. 11, p. 156 s. 80i. Enacted by No. 38, s. 11, 1941, p. 156, and amended by No. 21, s. 15, 1945, p. 81 s. 80j. Enacted by No. 38, s. 11, 1941, p. 158, and amended by No. 21, s. 16, 1945, p. 81 s. 80k. Enacted by No. 21, s. 17, 1945, p. 81 s. 80l. Enacted by No. 21, s. 17, 1945, p. 82 s. 91a. Enacted by No. 37, s. 2, 1946, p. 176 s. 108. Amended by No. 21, s. 18 (2), 1945, p. 82 s. 109. Amended by No. 21, s. 18 (3), 1945, p. 83 s. 110. Amended by No. 21, s. 18 (4), 1945, p. 83 s. 111. Amended by No. 21, s. 18 (5), 1945, p. 83 ss. 113a. to 113d. Enacted by No. 38, s. 12, 1941, pp. 159-161 s. 117. Amended by No. 38, s. 14, 1941, p. 162 s. 118a. Enacted by No. 38, s. 13, 1941, p. 161 s. 121a. Enacted by No. 38, s. 15, 1941, p. 162 Third schedule. Amended by No. 21, s. 19, 1945, p. 83</p>
Irrigation on Private Property Act, 1939 (1939, p. 225)	<p>s. 4. Amended by No. 35, s. 3, 1958, p. 130 s. 5. Amended by No. 35, s. 4, 1958, p. 131 s. 9. Amended by No. 35, s. 19, 1958, p. 134 s. 10. Amended by No. 35, s. 5, 1958, p. 131 s. 12. Amended by No. 35, s. 19, 1958, p. 134 s. 23. Amended by No. 35, s. 19, 1958, p. 134 s. 24. Amended by No. 35, s. 19, 1958, p. 134 s. 28. Amended by No. 35, s. 6, 1958, p. 132 s. 34. Amended by No. 35, ss. 8 and 19, 1958, pp. 132, 134 s. 37. Amended by No. 35, s. 9, 1958, p. 132 s. 37a. Enacted by No. 35, s. 7, 1958, p. 132 s. 38. Amended by No. 35, s. 10, 1958, p. 133</p>

Act Affected.	How Affected.
Irrigation on Private Property Act, 1939 (1939, p. 225)— <i>continued</i> .	<p>s. 38a. Enacted by No. 35, s. 11, 1958, p. 133 s. 39. Amended by No. 3, s. 2, 1949, p. 5 and by No. 35, s. 19, 1958, p. 134 s. 40. Amended by No. 35, s. 19, 1958, p. 134 s. 41. Amended by No. 35, s. 19, 1958, p. 134 s. 44. Amended by No. 35, s. 19, 1958, p. 134 s. 47. Amended by No. 35, s. 19, 1958, p. 134 s. 48. Amended by No. 3, s. 3, 1949, p. 5 s. 48a. Enacted by No. 3, s. 4, 1949, p. 6 s. 53. Amended by No. 35, s. 19, 1958, p. 134 s. 54. Amended by No. 35, s. 19, 1958, p. 134 s. 55. Amended by No. 35, s. 12, 1958, p. 133 s. 58. Amended by No. 35, s. 13, 1958, p. 134 s. 60. Amended by No. 35, s. 14, 1958, p. 134 s. 61. Amended by No. 35, s. 15, 1958, p. 134 s. 64. Amended by No. 35, s. 16, 1958, p. 134 s. 73. Enacted by No. 35, s. 17, 1958, p. 134 First schedule. Amended by No. 35, s. 18, 1958, p. 134</p>
Juries Act, 1927 (Vol. 4, p. 112)	<p>s. 3. Amended by No. 42, s. 3, 1957, p. 112 s. 9. Amended by No. 42, s. 3, 1957, p. 112 s. 10. Amended by No. 42, s. 3, 1957, p. 112 s. 23. Amended by No. 42, s. 3, 1957, p. 112 s. 55a. Enacted by No. 2356, s. 3, 1937, p. 54 s. 56. Amended by No. 2356, s. 4, 1937, p. 54 s. 89. Amended by No. 42, s. 3, 1957, p. 112 s. 92. Amended by No. 42, s. 3, 1957, p. 112 Third schedule. Amended by No. 2356, s. 5, 1937, p. 55 Eighth Schedule. Varied by proclamation <i>Gazette</i> 31st August, 1961, p. 824</p>
Justices Act, 1921-1936 (Vol. 4, p. 138)	<p>s. 4. Amended by No. 57, s. 3, 1956, p. 219 s. 10. Substituted by No. 24, s. 3, 1943, p. 57 s. 18. Substituted by No. 24, s. 4, 1943, p. 58 s. 22. Amended by No. 37, s. 4, 1957, p. 97 s. 22a. <i>Smallacombe v. Day</i> (1943) S.A.S.R. 368 <i>Jurekic v. Menz</i> (1961) S.A.S.R. 322 s. 40. Substituted by No. 24, s. 5, 1943, p. 59 s. 51. Substituted by No. 24, s. 6, 1943, p. 59 <i>Sutter and Wife v. Virgo</i> (1941) S.A.S.R. 113 <i>Crafter v. Bruce</i> (1941) S.A.S.R. 269 <i>Gurry v. Lonsdale</i> (1941) 16 S.A.I.R. 206 <i>Crafter v. Green</i> (1943) S.A.S.R. 162 <i>O'Sullivan v. De Young</i> (1949) S.A.S.R. 159, special leave to appeal to the High Court refused, 79 C.L.R. 652 (note) (1949) S.A.S.R. xvi. (note) s. 52. <i>Nottage v. Tarac Manufacturers (Adelaide) Limited</i> (1941) S.A.S.R. 162 <i>Grow v. Gefkin and others</i> (1945) S.A.S.R. 78 s. 53. <i>Smith v. Dayman. Dayman v. Thomson</i> (1938) S.A.S.R. 477 <i>Thomas v. Hansberry</i> (1958) S.A.S.R. 127 s. 56. <i>S.A. Asbestos Syndicate N.L. v. Coola Products Limited</i> (1937) S.A.S.R. 1 s. 57a. Enacted by No. 37, s. 5, 1957, p. 97, and amended by No. 17, s. 3, 1960, p. 42 s. 62. Amended by No. 37, s. 6, 1957, p. 99 s. 62a. Enacted by No. 24, s. 7, 1943, p. 60 s. 62b. Enacted by No. 37, s. 7, 1957, p. 99 s. 62c. Enacted by No. 37, s. 7, 1957, p. 101, and amended by No. 17, s. 4, 1960, p. 44 s. 65. Amended by No. 24, s. 8, 1943, p. 60, and by No. 37, s. 8, 1957, p. 102 s. 68. <i>Whittle v. Delderfield</i> (1943) S.A.S.R. 1 <i>Brauer v. O'Sullivan</i> (1957) S.A.S.R. 185 s. 69. <i>Maddern v. Dayman</i> (1939) S.A.S.R. 12 s. 69a. Enacted by No. 57, s. 4 (1), 1956, p. 22^p</p>

Act Affected.	How Affected.
Justices Act, 1921-1936 (Vol. 4, p. 138) <i>—continued.</i>	<p>s. 70a. Enacted by No. 24, s. 9, 1943, p. 60</p> <p>s. 70b. Enacted by No. 24, s. 9, 1943, p. 61</p> <p>s. 71. <i>Talbot v. Bevan</i> (1961) S.A.S.R. 47</p> <p>s. 75. Amended by No. 24, s. 10, 1943, p. 61</p> <p><i>Bond v. Cocks</i> (1938) S.A.S.R. 14</p> <p><i>Bond v. Gilbert</i> (1938) S.A.S.R. 37</p> <p><i>Verran v. Roberts</i> (1938) S.A.S.R. 256</p> <p><i>Dayman v. Darwin</i> (1939) S.A.S.R. 29</p> <p><i>Harris v. Treglown</i> (1944) S.A.S.R. 42</p> <p><i>All Cars Ltd. v. McCann</i> 19 A.L.J. 129, appeal to the High Court dismissed, 69 C.L.R. 639 (note)</p> <p><i>Saler v. Klingbiel</i> (1945) S.A.S.R. 171</p> <p><i>Cunningham v. Mullan</i> (1961) S.A.S.R. 318</p> <p>ss. 92a and 92b. Enacted by No. 57, s. 5 (1), 1956, pp. 220, 221</p> <p>s. 106. Amended by No. 24, s. 11, 1943, p. 61</p> <p>s. 106a. Enacted by No. 24, s. 12, 1943, p. 61 and amended by No. 57, s. 6, 1956, p. 222</p> <p><i>The Queen v. Mills: ex parte Edwards</i> (1958) S.A.S.R. 54</p> <p>s. 108. Amended by No. 57, s. 7, 1956, p. 222</p> <p>s. 110. Amended by No. 57, s. 8, 1956, p. 222</p> <p>s. 113. Amended by No. 24, s. 13, 1943, p. 62</p> <p>s. 115. Amended by No. 24, s. 14, 1943, p. 62</p> <p>s. 120. Amended by No. 57, s. 9 (1), 1956, p. 222 and by No. 37, s. 9, 1957, p. 103</p> <p>s. 123. Amended by No. 57, s. 10, 1956, p. 222</p> <p>s. 123a. Enacted by No. 57, s. 11, 1956, p. 223</p> <p>s. 125. <i>Mines v. Doddrell</i> (1938) S.A.S.R. 90, affirming <i>Mines v. Doddrell</i> (1937) S.A.S.R. 406</p> <p>s. 136. <i>R. v. Corcoran</i> (1957) S.A.S.R. 115</p> <p>s. 161. Amended by No. 57, s. 12, 1956, p. 223</p> <p>s. 161a. Enacted by No. 57, s. 13 (1), 1956, p. 223</p> <p>s. 163. Amended by No. 57, s. 14, 1956, p. 224</p> <p><i>Commissioner of Police v. Brady</i> (1954) S.A.S.R. 314</p> <p>s. 165. <i>Potter v. Neave</i> (1944) S.A.S.R. 19</p> <p><i>Jarvis v. Jarvis</i> (1947) S.A.S.R. 12</p> <p>s. 167. Repealed by No. 57, s. 15, 1956, p. 225</p> <p>s. 168. Substituted by No. 57, s. 16, 1956, p. 225</p> <p>s. 169. Repealed by No. 57, s. 17, 1956, p. 225</p> <p>s. 171. Amended by No. 57, s. 18, 1956, p. 226</p> <p><i>Potter v. Neave</i> (1944) S.A.S.R. 19</p> <p>s. 172. Substituted by No. 57, s. 19, 1956, p. 226</p> <p><i>Williams v. Stewart</i> (1944) S.A.S.R. 254</p> <p><i>Dave v. Northwood</i> (1951) S.A.S.R. 73</p> <p><i>Morley v. Bond</i> (1955) S.A.S.R. 198</p> <p>s. 173. Substituted by No. 57, s. 19, 1956, p. 226</p> <p>s. 174. Amended by No. 57, s. 20, 1956, p. 227</p> <p>s. 175. Amended by No. 57, s. 21, 1956, p. 227</p> <p>s. 177. Amended by No. 57, s. 22, 1956, p. 227</p> <p><i>Maddison v. McCormick</i> (1939) S.A.S.R. 97</p> <p><i>Gray v. Jones</i> (1948) S.A.S.R. 201</p> <p><i>Aston v. Hincks, vice Fitzgerald</i> (1950) S.A.S.R. 182</p> <p><i>Watts v. Welch. Tobin v. Welch</i> (1950) S.A.S.R. 289</p> <p>s. 179. Amended by No. 57, s. 23, 1956, p. 227</p> <p>s. 180. Repealed by No. 57, s. 24, 1956, p. 227</p> <p>s. 182. <i>Johnson v. Miller</i> (1937) 59 C.L.R. 467; 11 A.L.J. 344, reversing <i>Miller v. Johnson</i> (1937) S.A.S.R. 323, which affirmed <i>Miller v. Johnson</i> (1937) S.A.S.R. 171</p> <p><i>Curyer v. Foote</i> (1939) S.A.S.R. 203</p> <p><i>Williams v. Wight</i> (1943) S.A.S.R. 301</p> <p><i>Crafter v. McKeough</i> (1943) S.A.S.R. 371, reversing <i>Crafter v. McKeough</i> (1943) S.A.S.R. 310</p> <p><i>Wright v. O'Sullivan</i> (1948) S.A.S.R. 307</p> <p><i>Hood v. Conole</i> (1962) S.A.S.R. 180</p> <p>s. 183. <i>Crafter v. McKeough</i> (1943) S.A.S.R. 371 reversing <i>Crafter v. McKeough</i> (1943) S.A.S.R. 310</p>

Act Affected.	How Affected.
Justices Act, 1921-1936 (Vol. 4, p. 138) —continued.	<i>Brodie v. Chard</i> (1945) S.A.S.R. 27 <i>Rosey v. Wilson</i> (1959) S.A.S.R. 54 s. 185. <i>Logan v. Copp</i> (1942) S.A.S.R. 45 Second schedule. Amended by rules <i>Gazette</i> 21st September, 1961, p. 1032
Land Agents Act, 1955 (1955, p. 231)	s. 9. Amended by No. 16, s. 3, 1959, p. 37 s. 10. Amended by No. 16, s. 4, 1959, p. 37 s. 16. Repealed by No. 16, s. 30, 1959, p. 43 s. 27. Amended by No. 16, s. 5, 1959, p. 38 s. 28. Amended by No. 16, s. 6, 1959, p. 38 s. 32. Amended by No. 16, s. 7, 1959, p. 38 s. 35. Amended by No. 16, s. 8, 1959, p. 38 s. 36. Amended by No. 16, s. 9, 1959, p. 38 s. 43. Amended by No. 16, s. 10, 1959, p. 38 s. 47. Amended by No. 16, s. 11, 1959, p. 38 s. 49. Amended by No. 16, s. 12, 1959, p. 39 s. 50. Amended by No. 16, s. 13, 1959, p. 39 s. 54. Amended by No. 16, s. 14, 1959, p. 39 s. 55. Amended by No. 16, s. 15, 1959, p. 39 s. 56. Amended by No. 16, s. 16, 1959, p. 39 s. 60. Substituted by No. 16, s. 17, 1959, p. 39 s. 61. Amended by No. 16, s. 18, 1959, p. 40 s. 64. Amended by No. 16, s. 19, 1959, p. 40 s. 64a. Enacted by No. 16, s. 20, 1959, p. 41 s. 65. Amended by No. 5, s. 3, 1960, p. 17 <i>Hansberry v. Conaghty</i> (1959) S.A.L.R. 68 s. 72. Amended by No. 16, s. 21, 1959, p. 41 s. 73. Amended by No. 16, s. 22, 1959, p. 41 s. 77a. Enacted by No. 5, s. 4, 1960, p. 18 s. 78a. Enacted by No. 16, s. 23, 1959, p. 41 s. 79. Amended by No. 16, s. 24, 1959, p. 42 s. 80. Amended by No. 16, s. 25, 1959, p. 42 s. 81. Substituted by No. 16, s. 26, 1959, p. 42 s. 82. Substituted by No. 16, s. 27, 1959, p. 42 s. 88a. Enacted by No. 16, s. 28, 1959, p. 42 s. 92. Amended by No. 16, s. 29, 1959, p. 42
Landlord and Tenant Act, 1936 (Vol. 4, p. 241)	s. 10. <i>Briggs v. Pinchbeck</i> (1937) S.A.S.R. 30 s. 11. <i>Hinton v. Fawcett</i> (1957) S.A.S.R. 213
Landlord and Tenant (Control of Rents) Act, 1942 (1942, p. 101)	This Act, as amended by No. 38, 1946, p. 179, No. 30, 1947, p. 78, No. 5, 1948, p. 35, No. 9, 1949, p. 21, No. 63, 1949, p. 226, No. 50, 1950, p. 147, No. 51, 1951, p. 143, No. 39, 1952, p. 111, No. 25, 1953, p. 63, No. 41, 1954, p. 113, and No. 20, 1955, p. 64, and with notes of judicial decisions, is reprinted in the 1955 volume, p. 324. See also the following paragraph
Landlord and Tenant (Control of Rents) Act, 1942-1955 (1955, p. 324)	s. 4. <i>Piro and another v. Boorman</i> (1958) S.A.S.R. 226 s. 6. Amended by No. 53, s. 3, 1957, p. 157, by No. 42, s. 3, 1959, p. 137, and by No. 29, s. 3, 1961, p. 75 <i>Williams and another v. Thomson and another</i> (1961) S.A.S.R. 23 s. 13. <i>Mahoney v. Whitelaw</i> (1956) S.A.S.R. 138 s. 21. Amended by No. 53, s. 4, 1957, p. 158 and by No. 29, s. 4, 1961, p. 75 s. 24. Amended by No. 53, s. 5 (1), 1957, p. 158 s. 38. Amended by No. 53, s. 5 (2), 1957, p. 158 s. 40. Amended by No. 70, s. 3, 1960, p. 300 s. 42. Amended by No. 53, s. 6 (1), 1957, p. 158 and by No. 70, s. 4, 1960, p. 300 <i>Crooks National Stores Pty. Ltd. v. Collie</i> 31 A.L.J. 833 s. 48a. Enacted by No. 29, s. 5, 1961, p. 75 s. 54. Amended by No. 42, s. 4, 1959, p. 137

Act Affected.	How Affected.
Landlord and Tenant (Control of Rents) Act, 1942-1955 (1955, p. 324)— <i>cont.</i>	<p>s. 55c. Amended by No. 41, s. 3, 1956, p. 118, by No. 53, s. 6 (2), 1957, p. 158, and by No. 42, s. 5, 1959, p. 137</p> <p>s. 55d. Enacted by No. 2, s. 3, 1957, p. 6 and amended by No. 13, s. 8, 1957, p. 159 and by No. 42, s. 6, 1959 p. 137</p> <p>s. 60. Amended by No. 53, s. 9, 1957, p. 159 and by No. 42, s. 7, 1959, p. 137</p> <p>s. 60a. Enacted by No. 49, s. 3, 1958, p. 187</p> <p>s. 72. Amended by No. 41, s. 4, 1956, p. 119</p> <p>s. 100a. Enacted by No. 41, s. 5, 1956, p. 119</p> <p>s. 103b. Enacted by No. 53, s. 10, 1957, p. 160</p> <p>s. 123. Amended by No. 41, s. 6, 1956, p. 120, by No. 53, s. 11, 1957, p. 160, by No. 49, s. 4, 1958, p. 188, by No. 42, s. 8, 1959, p. 138, by No. 70, s. 5, 1960, p. 300, and by No. 29, s. 6, 1961, p. 75</p>
Land Settlement Act, 1944 (1944, p. 166)	<p>s. 2. Amended by No. 49, s. 3, 1948, p. 208</p> <p>s. 5. Amended by No. 53, s. 3, 1949, p. 204, by No. 7, s. 3, 1952, p. 16, by No. 32, s. 3, 1955, p. 101, by No. 26, s. 4, 1957, p. 66, by No. 30, s. 3, 1958, p. 122, by No. 8, s. 3, 1959, p. 17, and by No. 17, s. 3, 1961, p. 52</p> <p>s. 10. Amended by No. 9, s. 3, 1951, p. 15, and by No. 8, s. 4, 1960, p. 23</p> <p>s. 27a. Enacted by No. 49, s. 4, 1948, p. 208, and amended by No. 26, s. 5, 1957, p. 67, by No. 30, s. 4, 1958, p. 123, by No. 8, s. 4, 1959, p. 18, and by No. 17, s. 4, 1961, p. 53</p> <p>s. 29. Amended by No. 49, s. 5, 1948, p. 209</p> <p>s. 29a. Enacted by No. 49, s. 6, 1948, p. 210</p> <p>s. 29b. Enacted by No. 49, s. 6, 1948, p. 210</p> <p>s. 29c. Enacted by No. 49, s. 6, 1948, p. 210</p> <p>Schedule. Enacted by No. 49, s. 7, 1948, p. 210</p>
Land Tax Act, 1936 (Vol. 4. p. 274)	<p>This Act, as amended by No. 34, 1942, p. 118, by No. 16, 1948, p. 94, by No. 47, 1952, p. 132, and by No. 8, 1961, p. 21, and with notes of judicial decisions, is reprinted in the 1961 volume, p. 348</p>
Law of Property Act, 1936 (Vol. 4, p. 305)	<p>s. 23. <i>Nicholls v. Public Trustee (South Australia) and another</i> (1945) 72 C.L.R. 86, affirming <i>In re Cuming</i> (1943) S.A.S.R. 336</p> <p>s. 24. Amended by No. 18, s. 3, 1945, p. 64, and by No. 12, s. 3, 1960, p. 32</p> <p>s. 26. <i>Reid v. Zoanetti</i> (1943) S.A.S.R. 92</p> <p><i>Hambly-Clark v. Forsaith</i> (1953) S.A.S.R. 270</p> <p>s. 57a. Enacted by No. 16, s. 3, 1956, p. 42</p> <p>s. 60. <i>In re Waller's Settlement</i> (1954) S.A.S.R. 300</p> <p><i>In the estate of Schultz: Playford v. University of Adelaide and others</i> (1961) S.A.S.R. 377</p> <p>s. 62a. Enacted by No. 14, s. 3, 1958, p. 33</p> <p>s. 105. Amended by No. 12, s. 4, 1960, p. 32</p> <p><i>Oates v. Oates</i> (1949) S.A.S.R. 37</p> <p><i>In re Palmers' Question; Palmer v. Palmer</i> (1952) S.A.S.R. 218</p> <p><i>Martin v Martin</i> 33 A.J.L.R. 362</p>
Legal Practitioners Act, 1936 (Vol. 4, p. 354)	<p>s. 11a. Enacted by No. 44, s 3, 1948, p. 197</p> <p>s. 24. <i>In re . . . a practitioner of the Supreme Court</i> (1937) S.A.S.R. 316.</p> <p><i>In re . . . a practitioner of the Supreme Court</i> (1940) S.A.S.R. 154</p> <p><i>In re . . . a practitioner of the Supreme Court</i> (1941) S.A.S.R. 48</p> <p><i>In re . . . a practitioner of the Supreme Court</i> (1942) S.A.S.R. 124</p> <p><i>In re . . . a practitioner of the Supreme Court</i> (1942) S.A.S.R. 181</p>

Act Affected.	How Affected.
Legal Practitioners Act, 1936 (Vol. 4, p. 354)— <i>continued</i> .	<p><i>In re . . . a practitioner of the Supreme Court</i> (1942) S.A.S.R. 188</p> <p>s. 42. <i>In the matter of a practitioner of the Supreme Court</i> (1962) S.A.S.R. 165</p> <p>s. 51 <i>In the matter of a practitioner of the Supreme Court</i> (1960) S.A.S.R. 178</p> <p>s. 53. <i>In the matter of a practitioner of the Supreme Court</i> (1960) S.A.S.R. 178</p> <p>s. 60a. Enacted by No. 2404, s. 3, 1938, p. 83 and amended by No. 15, s. 3, 1943, p. 33</p>
Libraries and Institutes Act, 1939 (1939, p. 280)	<p>s. 4. Amended by No. 39, s. 4 (7), 1946, p. 184</p> <p>s. 5. Amended by No. 18, s. 2, 1950, p. 46</p> <p>s. 65. Amended by No. 18, s. 3, 1950, p. 46</p> <p>s. 67. Substituted by No. 18, 4 (1), 1950, p. 46</p> <p>s. 68. Amended by No. 18, s. 4 (2), 1950, p. 46</p> <p>s. 70. <i>Williams v. Coulthard and others</i> (1948) S.A.S.R. 183; 22 A.L.J. 431</p> <p>s. 82. Amended by No. 18, s. 8, 1950, p. 47</p> <p>s. 85a. Enacted by No. 18, s. 6 (1), 1950, p. 47</p> <p>s. 89a. Enacted by No. 18, s. 7, 1950, p. 47</p> <p>s. 97. Amended by No. 18, s. 8, 1950, p. 48</p> <p>s. 106. Amended by No. 30, s. 2, 1948, p. 141, and by No. 18, s. 9, 1950, p. 48</p> <p>s. 107. Amended by No. 18, s. 10, 1950, p. 49</p> <p>Heading to Division VI. of Part V. Amended by No. 39, s. 4 (6), 1946, p. 184</p> <p>s. 109. Amended by No. 39, s. 2, 1946, p. 182, and by No. 18, s. 11 (2), 1950, p. 50</p> <p>s. 109a. Enacted by No. 39, s. 3, 1946, p. 182</p> <p>s. 109b. Enacted by No. 39, s. 3, 1946, p. 183</p> <p>s. 110. Repealed by No. 18, s. 6 (2), 1950, p. 47</p> <p>s. 111. Substituted by No. 18, s. 11 (1), 1950, p. 50</p> <p>s. 112. Amended by No. 39, s. 4 (2), 1946, p. 184</p> <p>s. 113. Substituted by No. 18, s. 11 (3), 1950, p. 50</p> <p>s. 116. Amended by No. 39, s. 4 (3), 1946, p. 184</p> <p>s. 117. Amended by No. 39, s. 4 (4), 1946, p. 184, and by No. 18, s. 12, 1950, p. 50</p> <p>s. 118. Amended by No. 39, s. 4 (5), 1946, p. 184</p> <p>s. 118a. Enacted by No. 18, s. 13, 1950, p. 51</p>
Libraries (Subsidies) Act, 1955 (1955, p. 144)	s. 2. Amended by No. 24, s. 2, 1958, p. 69
Licensing Act, 1932-1936 (Vol. 4, p. 375)	<p>s. 3. Amended by No. 55, s. 3, 1954, p. 150</p> <p>s. 6. Amended by No. 52, s. 3, 1960, p. 196</p> <p>s. 10. <i>Landers v. Miller. McNally v. Miller</i> (1945) S.A.S.R. 4</p> <p><i>The Queen v. The Midland Licensing Court and others; ex parte Roberts, Roberts v. The Clerk of the Licensing Court and others</i> (1959) S.A.S.R. 229</p> <p>s. 14a. Enacted by No. 52, s. 4, 1960, p. 197</p> <p>s. 16. Amended by No. 55, s. 4, 1954, p. 150</p> <p>s. 18. Amended by No. 52, s. 5, 1960, p. 198</p> <p>s. 22. Amended by No. 55, s. 5, 1954, p. 150</p> <p>s. 23. Amended by No. 55, s. 6, 1954, p. 150</p> <p>s. 30. Varied by regulations <i>Gazette</i> 20th September, 1956, p. 629</p> <p>s. 39. <i>White v. The Corporation of the City of West Torrens</i> (1957) S.A.S.R. 268</p> <p>s. 40. <i>Leahy v. Karavas and another. Leahy v. Sanderson</i> (1947) S.A.S.R. 272</p> <p>s. 41. <i>Lange v. Croxton</i> (1952) S.A.S.R. 91</p> <p><i>Gartrell v. Barker and others</i> (1956) S.A.S.R. 258</p> <p><i>The Queen v. The Midland Licensing Court and others; ex parte Roberts, Roberts v. The Clerk of the Licensing Court and others</i> (1959) S.A.S.R. 229</p> <p><i>Davies v. The Clerk of the Licensing Court and others</i> (1962) S.A.S.R. 134</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
<p>Licensing Act, 1932-1936 (Vol. 4, p. 375) —continued.</p>	<p>s. 51. <i>Tully v. Eldridge</i> (1947) S.A.S.R. 53 s. 57. Amended by No. 42, s. 3, 1957, p. 112 <i>Goldfinch v. McNally</i> (1945) S.A.S.R. 217 s. 61. Amended by No. 55, s. 8, 1954, p. 151 s. 66. <i>Lorenzo v. McNally</i> (1942) S.A.S.R. 27 <i>De Young v. Eldridge</i> (1951) S.A.S.R. 112 s. 69. <i>Leahy v. Karavas and another. Leahy v. Sanderson</i> (1947) S.A.S.R. 272 s. 71 (3). Varied by regulations <i>Gazette</i> 20th September, 1956, p. 629 s. 77 (2). <i>International Hotel Limited v. McNally</i> (1940) 64 C.L.R. 24; 14 A.L.J. 267, reversing <i>International Hotel Limited and another v. McNally</i> (1940) S.A.S.R. 21 s. 77 (7). <i>Hann v. Arthur</i> (1936) S.A.S.R. 344 <i>Edington v. Smith</i> (1938) S.A.S.R. 390. Special leave to appeal to the High Court refused, 62 C.L.R. 751 (note). <i>Hamilton v. Virgo</i> (1940) S.A.S.R. 69 <i>Dudley v. O'Sullivan</i> (1953) S.A.S.R. 8 <i>Gardiner v. O'Sullivan</i> (1955) S.A.S.R. 172 <i>Curtis v. O'Sullivan</i> (1955) S.A.S.R. 307 <i>Panizza v. O'Sullivan</i> (1956) S.A.S.R. 279 s. 85. <i>International Hotel Limited v. McNally</i> (1940) 64 C.L.R. 24; 14 A.L.J. 267, reversing <i>International Hotel Limited and another v. McNally</i> (1940) S.A.S.R. 21 s. 92. <i>Parkyn v. Crafter</i> (1941) S.A.S.R. 132 s. 114. <i>Attorney-General v. Royal South Australian Yacht Squadron</i> (1939) S.A.S.R. 329, affirming <i>Royal South Australian Yacht Squadron v. The Attorney-General</i> (1938) S.A.S.R. 430 s. 118. Amended by No. 33, s. 3, 1953, p. 86 s. 134 (3). Varied by regulations <i>Gazette</i> 20th September, 1956, p. 629 s. 140. <i>Boulton v. O'Sullivan</i> (1951) S.A.S.R. 288 <i>O'Sullivan v. Friebe</i> (1956) S.A.S.R. 89 s. 140a. <i>McMahon v. Crafter</i> (1940) S.A.S.R. 11 <i>Mertin v. Carr-Fish</i> (1940) S.A.S.R. 449 <i>Tully v. O'Sullivan</i> (1956) S.A.S.R. 106 s. 148. Amended by No. 52, s. 6, 1960, p. 198 s. 149. Amended by No. 52, s. 7, 1960, p. 198 s. 149a. Enacted by No. 52, s. 8, 1960, p. 198 s. 150a. Enacted by No. 24, s. 3, 1945, p. 110 and varied by regulations <i>Gazette</i> 20th September, 1956, p. 629 <i>Maccianas v. O'Sullivan</i> (1954) S.A.S.R. 272 ss. 150b to 150c. Enacted by No. 24, s. 3, 1945, p. 112 s. 150d. Enacted by No. 24, s. 3, 1945, p. 112 and amended by No. 52, s. 9, 1960, p. 198 s. 161. <i>Manuels v. Crafter</i> (1940) S.A.S.R. 7 s. 170. <i>Belling v. O'Sullivan</i> (1950) S.A.S.R. 43 s. 172. Amended by No. 33, s. 4, 1953, p. 86 and by No. 45, s. 30 (1), 1962, p. 143 <i>Williams v. Wight</i> (1943) S.A.S.R. 301 s. 173. Amended by No. 45, s. 30 (2), 1962, p. 143 s. 177. <i>Davis v. Harris</i> (1946) S.A.S.R. 144 s. 179. Amended by No. 45, s. 30 (5), 1962, p. 143 s. 182. Amended by No. 55, s. 9, 1954, p. 151 s. 189. <i>Smith v. Kite</i> (1939) S.A.S.R. 79 <i>Lenthall v. King</i> (1940) S.A.S.R. 82 <i>Crafter v. McKeough</i> (1943) S.A.S.R. 371, reversing <i>Crafter v. McKeough</i> (1943) S.A.S.R. 310 <i>Heffernan v. Richardson</i> (1946) S.A.S.R. 201 <i>O'Sullivan v. Bastian</i> (No. 2) (1948) S.A.S.R. 17 <i>O'Sullivan v. De Young</i> (1949) S.A.S.R. 159. Special leave to appeal to the High Court refused, 79 C.L.R. 652 (note) (1949) S.A.S.R. XVI. (note)</p>

Act Affected.	How Affected.
Licensing Act, 1932-1936 (Vol. 4, p. 375) —continued.	<i>Panizza v. O'Sullivan</i> (1956) S.A.S.R. 279 <i>Brebner v. Harmstorf and another</i> (1961) S.A.S.R. 116 s. 194. <i>Davis v. Stewart</i> (1946) S.A.S.R. 68 s. 197a. Amended by No. 55, s. 10, 1954, p. 151, and by No. 52, s. 10 (1), 1960, p. 198 s. 198. Amended by No. 55, s. 11, 1954, p. 151, and by No. 52, s. 11 (1), 1960, p. 199 <i>McNally v. Miller, Landers v. Miller</i> (1945) S.A.S.R. 181 reversing <i>Landers v. Miller</i> . <i>McNally v. Miller</i> (1945) S.A.S.R. 4 s. 198a. Enacted by No. 55, s. 12, 1954, p. 152 s. 199. Amended by No. 24, s. 4, 1945, p. 113, varied by regulations <i>Gazette</i> 20th September, 1956, p. 629, and amended by No. 52, s. 12, 1960, p. 199 ss. 199a and 199b. Enacted by No. 52, s. 13, 1960, pp. 199-201 s. 200. Substituted by No. 64, s. 3, 1949, p. 228 <i>Gemmell v. Goldsworthy</i> (1942) S.A.S.R. 55 s. 203. Amended by No. 55, ss. 13 and 14, 1954, p. 152, and by No. 52, s. 14 (1), 1960, p. 202 s. 209. Amended by No. 55, s. 15, 1954, p. 155, and by No. 52, s. 15 (1), 1960, p. 202 <i>Johnson v. Miller</i> (1937) 59 C.L.R. 467; 11 A.L.J. 344, reversing <i>Miller v. Johnson</i> (1937) S.A.S.R. 323, which affirmed <i>Miller v. Johnson</i> (1937) S.A.S.R. 171 s. 212. Amended by No. 52, s. 16, 1960, p. 203 s. 223. Substituted by No. 55, s. 16, 1954, p. 153 s. 224. Substituted by No. 55, s. 16, 1954, p. 153 s. 225. Amended by No. 55, s. 17, 1954, p. 154 s. 226. Amended by No. 55, s. 18, 1954, p. 154 s. 227. Substituted by No. 55, s. 19, 1954, p. 154 s. 228. Substituted by No. 55, s. 20, 1954, p. 155 s. 230. Substituted by No. 55, s. 21, 1954, p. 155 s. 231. Substituted by No. 55, s. 21, 1954, p. 152 s. 232. Substituted by No. 55, s. 21, 1954, p. 152 Heading to Division II of Part VIII. Amended by No. 55, s. 22, 1954, p. 156 s. 238. Amended by No. 55, s. 23, 1954, p. 156 s. 241. Amended by No. 55, s. 24, 1954, p. 156 s. 244. Amended by No. 55, s. 25, 1954, p. 156 s. 245. Amended by No. 55, s. 26, 1954, p. 156 s. 247. Repealed by No. 55, s. 27, 1954, p. 157 s. 248. Substituted by No. 55, s. 28, 1954, p. 157 s. 249. Amended by No. 55, s. 29, 1954, p. 157 s. 250. Repealed by No. 55, s. 30, 1954, p. 157 s. 251. Repealed by No. 55, s. 30, 1954, p. 157 s. 260. <i>Mertin v. Carr-Fish</i> (1940) S.A.S.R. 449 <i>Norman v. Crafter</i> (1942) S.A.S.R. 53 s. 267. <i>Crafter v. Green</i> (1943) S.A.S.R. 162 <i>Davies v. O'Sullivan</i> (1948) S.A.S.R. 9 s. 268. <i>O'Sullivan v. Bastian</i> (No. 1); <i>Harvey v. O'Sullivan</i> (1947) S.A.S.R. 396; 22 A.L.J. 94 s. 270. <i>Ex parte Bickford</i> (1937) S.A.S.R. 128 s. 275. Amended by No. 55, s. 31, 1954, p. 157 Schedule B. Amended by No. 55, s. 32, 1954, p. 157 and by No. 52, s. 17, 1960, p. 203 Schedule W. Amended by proclamations <i>Gazette</i> 10th March, 1955, p. 549 and <i>Gazette</i> 31st March, 1955, p. 757
Life Assurance Companies Act, 1936 (Vol. 4, p. 548)	s. 7. <i>Kemp v. Plew and another</i> (1887) 21 S.A.L.R. 115 <i>In re Noonan</i> (1904) S.A.L.R. 151 <i>In re Kerr</i> (1943) S.A.S.R. 8 s. 24. <i>In re Chapman; Executor Trustee and Agency Company of South Australia Limited v. Chapman</i> (1944) S.A.S.R. 131

Act Affected.	How Affected.
Life Assurance Companies Act, 1936 (Vol. 4, p. 548)— <i>continued</i> .	s. 53. Substituted by No. 40, s. 3, 1941, p. 167 s. 72a. Enacted by No. 42, s. 3, 1939, p. 261
Limitation of Actions Act, 1936 (Vol. 4, p. 582)	s. 4. Amended by No. 45, s. 3, 1948, p. 199 s. 12. Amended by No. 45, s. 4, 1948, p. 199 s. 27. Amended by No. 45, s. 5, 1948, p. 199 s. 33. Amended by No. 45, s. 6, 1948, p. 200 s. 34. Amended by No. 45, s. 7, 1948, p. 200 s. 35. Amended by No. 17, s. 3, 1956, p. 44 <i>Hillier v. Leitch</i> (1936) S.A.S.R. 490 <i>Smith v. Commonwealth Homes Limited</i> (1937) S.A.S.R. 337, affirmed by <i>Commonwealth Homes and Investment Co., Limited v. Smith</i> (1937) 59 C.L.R. 443 ; 11 A.L.J. 348 <i>Wallis v. Crowe and others</i> (1942) S.A.S.R. 23 <i>Streicher and another v. E. S. & A. Bank Limited</i> (1945) S.A.S.R. 207 <i>Williams v. Milotin</i> 31 A.L.J. 820 <i>Williams v. Milotin</i> (1957) C.L.R. 465, affirming <i>Milotin v. Williams</i> (1957) S.A.S.R. 228 s. 36. Substituted by No. 17, s. 4, 1956, p. 45 <i>Hillier v. Leitch</i> (1936) S.A.S.R. 490 s. 45. Amended by No. 45, s. 8, 1948, p. 200 <i>Pointon v. Walkley</i> (1951) S.A.S.R. 121 s. 47. Enacted by No. 33, s. 3, 1959, p. 101
Loans for Fencing and Water Piping Act, 1938 (1938, p. 98)	s. 3. Amended by No. 42, s. 4 (1), 1940, p. 136 s. 9a. Enacted by No. 8, s. 2, 1945, p. 27 s. 12. Amended by No. 42, s. 2, 1940, p. 135 s. 16. Substituted by No. 32, s. 2, 1952, p. 97 s. 22. Substituted by No. 42, s. 3, 1940, p. 136 First schedule. Amended by No. 42, s. 4 (2), 1940, p. 136 Second schedule. Enacted by No. 42, s. 5, 1940, p. 136
Loans to Producers Act, 1927 (Vol. 4, p. 616)	s. 3a. Enacted by No. 27, s. 3, 1962, p. 71 s. 4. Substituted by No. 18, s. 3, 1951, p. 32 and amended by No. 27, s. 4, 1962, p. 71 s. 5. Amended by No. 18, s. 4, 1951, p. 33 s. 5a. Amended by No. 18, s. 5, 1951, p. 33 s. 5b. Enacted by No. 15, s. 3, 1946, p. 53, and amended by No. 18, s. 6, 1951, p. 33 s. 7. Amended by No. 15, s. 4, 1946, p. 54 s. 8a. Enacted by No. 15, s. 5, 1946, p. 54 s. 9. Amended by No. 27, s. 5, 1962, p. 72 s. 10. Amended by No. 15, s. 6, 1946, p. 54 s. 11. Amended by No. 15, s. 7, 1946, p. 54 s. 13. Amended by No. 18, s. 7, 1951, p. 33 s. 13a. Enacted by No. 27, s. 6, 1962, p. 72
Local Courts Act, 1926-1936 (Vol. 4, p. 623)	s. 21. Amended by No. 15, s. 4, 1962, p. 39 s. 25. Amended by No. 50, s. 4, 1956, p. 154 s. 26. Amended by No. 50, s. 5, 1956, p. 155 s. 27. Amended by No. 36, s. 3, 1959, p. 113 s. 28. Amended by No. 36, s. 4, 1959, p. 114 s. 31. Amended by No. 50, s. 6, 1956, p. 155 <i>Homburg v. Fromm</i> (1951) S.A.S.R. 97 s. 32. Amended by No. 15, ss. 5, 6, 1962, pp. 39, 40 s. 40. Amended by No. 50, s. 7, 1956, p. 155 s. 41. Amended by No. 50, s. 8, 1956, p. 155 s. 42. Amended by No. 50, s. 9, 1956, p. 155 <i>Elder's Trustee and Executor Company, Limited v. Jones</i> (1937) S.A.S.R. 184 s. 49. <i>R. v. Local Court of Port Adelaide. Ex parte Wood</i> (1943) S.A.S.R. 285 s. 58. <i>Thoneman v. Holmes</i> (1945) S.A.S.R. 227 <i>Millbank v. Price</i> (1954) S.A.S.R. 166

Act Affected.	How Affected.
<p>Local Courts Act, 1926-1936 (Vol. 4, p. 623)—<i>continued</i>.</p>	<p>s. 63. <i>Riedel v. Freeman Motors Limited</i> (1938) S.A.S.R. 364 s. 80. Amended by No. 50, s. 10, 1956, p. 156 s. 84. <i>R. v. Roy: Ex parte Smith</i> (1948) S.A.S.R. 216; 22 A.L.J. 378 s. 101. Substituted by No. 50, s. 11, 1956, p. 156 s. 102. Amended by No. 50, s. 12, 1956, p. 157 s. 107. Amended by No. 45, s. 3, 1947, p. 119 s. 110. Amended by No. 50, s. 13, 1956, p. 157 s. 111. Amended by No. 50, s. 14, 1956, p. 157 s. 114. Amended by No. 36, s. 5, 1959, p. 114 s. 120. <i>Clothier v. Piercy</i> (1945) S.A.S.R. 45 s. 122. <i>Fridd v. Smith</i> (1948) S.A.S.R. 161; 22 A.L.J. 377 s. 126. Amended by No. 45, s. 4, 1947, p. 119 s. 153. Amended by No. 45, s. 5, 1947, p. 119 s. 165. Amended by No. 15, s. 6, 1962, p. 40 s. 174a. Amended by No. 50, s. 15, 1956, p. 157 s. 174f. Amended by No. 36, s. 6, 1959, p. 114 s. 175. Amended by No. 36, s. 7, 1959, p. 115 s. 176. Amended by No. 36, s. 8, 1959, p. 116 s. 178. <i>Ex parte Day</i> (1944) S.A.S.R. 93 s. 179. Amended by No. 36, s. 9, 1959, p. 116 s. 181. Amended by No. 36, s. 10, 1959, p. 116 s. 183a. Enacted by No. 45, s. 6, 1947, p. 120 s. 196. Amended by No. 15, s. 6, 1962, p. 40 s. 216. Amended by No. 50, s. 16, 1956, p. 157 s. 223. Amended by No. 45, s. 7, 1947, p. 120 s. 225. <i>Boyle and another v. Jukes</i> (1944) S.A.S.R. 184 s. 228. Amended by No. 50, s. 17, 1956, p. 157 s. 230. Amended by No. 50, s. 17, 1956, p. 157 s. 259. Amended by No. 50, s. 19, 1956, p. 158 s. 271. Amended by No. 45, s. 8, 1947, p. 120 <i>Copeland v. Buck</i> (1938) S.A.S.R. 214, reversing <i>Copeland v. Buck</i> (1937) S.A.S.R. 518 s. 272. Substituted by No. 45, s. 9, 1947, p. 120 s. 273. Amended by No. 45, s. 10, 1947, p. 121 s. 274. Amended by No. 45, s. 11, 1947, p. 121 s. 275. Substituted by No. 45, s. 12, 1947, p. 121 s. 276. Amended by No. 45, s. 13, 1947, p. 121 s. 277. Substituted by No. 45, s. 14, 1947, p. 122 s. 278. Substituted by No. 45, s. 14, 1947, p. 123 s. 279. Substituted by No. 45, s. 14, 1947, p. 124 s. 280. Substituted by No. 45, s. 14, 1947, p. 125 s. 281. Repealed by No. 45, s. 14, 1947, p. 122 s. 295. Amended by No. 50, s. 20, 1956, p. 158 s. 296. Amended by No. 50, s. 21, 1956, p. 159 Fourth schedule. Substituted by proclamation <i>Gazette</i> 20th January, 1949, p. 113 and amended by proclamations <i>Gazette</i> 20th December, 1951, p. 1553; <i>Gazette</i> 6th December, 1956, p. 1277 Fifth schedule. Substituted by rules of court <i>Gazette</i> 17th December, 1953, p. 1460</p>
<p>Local Government Act, 1934-1936 (Vol. 5, p. 1)</p>	<p>s. 3. Amended by No. 2424, s. 26 (2), 1938, p. 209, by No. 17, s. 4, 1941, p. 61, by No. 34, s. 3, 1943, p. 96, by No. 16, ss. 8 (11), 15 (9), 17 and 49 (6), 1946, pp. 59, 53, 72, 90, by No. 48, s. 15 (6), 1952 p. 142, and by No. 1, s. 3, 1957, p. 5, and by No. 54, s. 41, 1957, p. 174 s. 5. Amended by No. 2424, ss. 2 and 109, 1938, pp. 201, 231, by No. 16, ss. 2 (1), 3, and 65, 1946, pp. 55, 56, 98, by No. 51, ss. 2 and 21, 1948, pp. 217, 223, by No. 48, ss. 2 and 20, 1952, pp. 137, 144, by No. 56, s. 2, 1954, p. 158, and by No. 54, s. 2, 1957, p. 161 <i>The University of Adelaide v. The District Council of Mitcham</i> (1937) S.A.S.R. 288 <i>Queen Victoria Maternity Hospital Incorporated v. City of Burnside</i> (1959) S.A.S.R. 91</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 6. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 7. Amended by No. 16, s. 4 (1), 1946, p. 56 and by No. 48, s. 3, 1952, p. 137</p> <p>s. 9. Amended by No. 2424, s. 3, 1938, p. 202</p> <p>s. 9a. Enacted by No. 30, s. 3, 1961, p. 76</p> <p>s. 12. Amended by No. 30, s. 4, 1961, p. 77.</p> <p>s. 21. Amended by No. 43, s. 28, 1939, p. 279</p> <p>s. 24. Amended by No. 16, s. 4 (2), 1946, p. 57, and by No. 50, s. 3, 1959, p. 180</p> <p>s. 27. Amended by No. 46, s. 2, 1951, p. 111</p> <p>s. 27a. Enacted by No. 46, s. 3, 1951, p. 111</p> <p>s. 29. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 34. Amended by No. 43, s. 28, 1939, p. 279</p> <p>s. 46. Amended by No. 16, s. 65, 1946, p. 98, and by No. 51, s. 21, 1948, p. 223</p> <p>s. 47. Amended by No. 21, s. 2, 1952, p. 51 and by No. 48, s. 4 (1), 1952, p. 138</p> <p>s. 48. Amended by No. 21, s. 3, 1952, p. 52 and by No. 48, s. 4 (2), 1952, p. 138</p> <p>s. 49. Amended by No. 46, s. 4, 1951, p. 112</p> <p>s. 51. Amended by No. 2424, s. 4, 1938, p. 202</p> <p>s. 52. Amended by No. 2424, ss. 5 and 6, 1938, p. 202, by No. 16, ss. 5 (1) and 65, 1946, pp. 57, 98, by No. 51, s. 3, 1948, p. 218, and by No. 34, s. 2, 1959, p. 104</p> <p>s. 54. Amended by No. 2424, s. 7, 1938, p. 202, and by No. 16, s. 2 (2), 1946, p. 55</p> <p>s. 57. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 57a. Enacted by No. 46, s. 5, 1951, p. 112 and amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 65. Amended by No. 2424, s. 8, 1938, p. 202, by No. 16, s. 65, 1946, p. 98, by No. 56, s. 33, 1954, p. 72, and by No. 34, s. 3 (1), 1959, p. 104</p> <p>s. 73. Amended by No. 16, s. 6, 1946, p. 57, and by No. 54, s. 3, 1957, p. 162</p> <p>s. 74. Substituted by No. 48, s. 5, 1952, p. 138</p> <p>s. 75. Repealed by No. 48, s. 5, 1952, p. 138</p> <p>s. 79. Amended by No. 2424, s. 9, 1938, p. 203</p> <p>s. 82. Amended by No. 43, s. 28, 1939, p. 279, and by No. 56, s. 33, 1954, p. 172</p> <p>s. 83. Amended by No. 54, s. 4, 1957, p. 162</p> <p>s. 84. Amended by No. 16, s. 7, 1946, p. 57</p> <p>s. 86. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 86a. Enacted by No. 2424, s. 10, 1938, p. 203</p> <p>Heading to Division I. of Part VI. Amended by No. 16, s. 8 (1), 1946, p. 57</p> <p>s. 87. Repealed by No. 16, s. 8 (2), 1946, p. 57</p> <p>s. 88. Amended by No. 16, s. 9 (1), 1946, p. 60, and by No. 50, s. 4, 1959, p. 181</p> <p>s. 89. Substituted by No. 16, s. 8 (3), 1946, p. 58</p> <p>s. 90. Substituted by No. 16, s. 8 (3), 1946, p. 58 <i>Wache v. Parham</i> (1937) S.A.S.R. 116</p> <p>s. 91. Substituted by No. 16, s. 8 (3), 1946, p. 58</p> <p>s. 92. Substituted by No. 16, s. 8 (3), 1946, p. 59</p> <p>s. 93. Substituted by No. 16, s. 8 (3), 1946, p. 59</p> <p>ss. 94 to 98. Repealed by No. 16, s. 8 (3), 1946, p. 58</p> <p>s. 99. Repealed by No. 16, s. 8 (4), 1946, p. 59</p> <p>s. 100. Amended by No. 2424, s. 12, 1938, p. 203 and by No. 30, s. 5, 1961, p. 77</p> <p>s. 101. Amended by No. 16, s. 2 (3), 1946, p. 55</p> <p>s. 101a. Enacted by No. 16, s. 12 (3), 1946, p. 61</p> <p>s. 104. Amended by No. 16, s. 8 (5), 1946, p. 59 and by No. 48, s. 6, 1952, p. 138</p> <p>s. 105. Amended by No. 2424, ss. 13 and 14 (1), 1938, pp. 203, 204, by No. 43, ss. 2 and 4 (2), 1939, pp. 263, 264, and by No. 16, ss. 2 (4), and 65, 1946, pp. 55, 98</p> <p>s. 106. Amended by No. 51, s. 21, 1948, p. 223</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued</i> .	<p>s. 107. Amended by No. 56, s. 33, 1954, p. 172</p> <p>s. 108. Amended by No. 2424, s. 15, 1938, p. 204 and by No. 56, s. 33, 1954, p. 172</p> <p>s. 111. Amended by No. 16, s. 11, 1946, p. 60</p> <p>s. 115. Amended by No. 2424, s. 16, 1938, p. 204, by No. 16, s. 12 (1), 1946, p. 60, and by No. 30, s. 6, 1961, p. 77.</p> <p>s. 116. Amended by No. 16, s. 2 (5), 1946, p. 56</p> <p>s. 117. Amended by No. 2424, s. 17, 1938, p. 205, and by No. 16, s. 8 (6), 1946, p. 59 <i>Wache v. Parham</i> (1937) S.A.S.R. 116</p> <p>s. 118. Amended by No. 2424, s. 18, 1938, p. 206, and by No. 16, s. 8 (7), 1946, p. 59</p> <p>s. 120. Amended by No. 16, s. 13 (1), 1946, p. 62</p> <p>s. 122. Amended by No. 16, s. 9 (2), 1946, p. 60</p> <p>s. 126. Amended by No. 2424, s. 19, 1938, p. 206, and by No. 16, s. 65, 1946, p. 93</p> <p>s. 127. Amended by No. 2424, s. 20, 1938, p. 206</p> <p>s. 128. Amended by No. 2424, s. 21, 1938, p. 206</p> <p>s. 130. Amended by No. 16, s. 64 (3), 1946, p. 97</p> <p>s. 137. Amended by No. 2424, s. 22, 1938, p. 206, by No. 43, s. 23, 1939, p. 279, by No. 16, s. 65, 1946, p. 93, by No. 51, s. 4, 1948, p. 218, and by No. 56, s. 3, 1954, p. 159</p> <p>s. 142a. Enacted by No. 2424, s. 23, 1938, p. 206</p> <p>s. 144. Amended by No. 2424, s. 24, 1938, p. 207</p> <p>s. 147. Amended by No. 2424, s. 25, 1938, p. 207, and by No. 34, s. 3 (2), 1959, p. 105</p> <p>s. 155. Amended by No. 54, s. 5, 1957, p. 162</p> <p>s. 157. Amended by No. 16, s. 14, 1946, p. 62, by No. 48, s. 7, 1952, p. 138, and by No. 30, s. 7, 1961, p. 77 <i>Rex v. The Clerks Appeal Board. Ex parte District Council of West Torrens</i> (1941) S.A.S.R. 54</p> <p>s. 158. Amended by No. 54, s. 6 (1), 1957, p. 162</p> <p>s. 163. Amended by No. 43, s. 28, 1939, p. 279</p> <p>Heading to Part IXA. Amended by No. 16, s. 15 (8), 1946, p. 63</p> <p>s. 163a. Enacted by No. 2424, s. 26 (1), 1938, p. 207 and substituted by No. 16, s. 15 (1), 1946, p. 62</p> <p>ss. 163b to 163e. Enacted by No. 2424, s. 26 (1), 1938, p. 207 and repealed by No. 16, s. 15 (2), 1946, p. 62</p> <p>s. 163f. Enacted by No. 2424, s. 26 (1), 1938, p. 203, and amended by No. 16, s. 15 (3), 1946, p. 63</p> <p>s. 163g. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and amended by No. 16, s. 15 (4), 1946, p. 63 <i>Rex v. The Clerks Appeal Board. Ex parte District Council of West Torrens</i> (1941) S.A.S.R. 54</p> <p>s. 163h. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and amended by No. 16, s. 15 (5), 1946, p. 63</p> <p>s. 163i. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and repealed by No. 16, s. 15 (6), 1946, p. 63</p> <p>s. 163j. Enacted by No. 2424, s. 26 (1), 1938, p. 209, and substituted by No. 16, s. 15 (7), 1946, p. 63</p> <p>s. 163k. Enacted by No. 16, s. 16, 1946, p. 64</p> <p>s. 163l. Enacted by No. 16, s. 16, 1946, p. 64, and amended by No. 51, s. 21, 1948, p. 223</p> <p>ss. 163m to 163r. Enacted by No. 16, s. 16, 1946, pp. 65, 66</p> <p>s. 163s. Enacted by No. 16, s. 16, 1946, p. 65, and amended by No. 51, s. 21, 1948, p. 223</p> <p>ss. 163t and 163u. Enacted by No. 16, s. 16, 1946, p. 67</p> <p>s. 163v. Enacted by No. 16, s. 16, 1949, p. 67, and amended by regulations <i>Gazette</i> 9th August, 1951, p. 292</p> <p>ss. 163w to 163y. Enacted by No. 16, s. 16, 1946, pp. 67, 68</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 163z. Enacted by No. 16, s. 16, 1946, p. 69, and amended by No. 54, s. 7, 1957, p. 162</p> <p>ss. 163bb and 163cc. Enacted by No. 16, s. 16, 1946, p. 69</p> <p>s. 163dd. Enacted by No. 16, s. 16, 1946, p. 69, and amended by No. 46, s. 6, 1951, p. 113, and by No. 54, s. 8, 1957, p. 163</p> <p>ss. 163ce to 163nn. Enacted by No. 16, s. 16, 1949, pp. 69-72</p> <p>ss. 164a and 164b. Enacted by No. 2424, s. 27, 1938, pp. 209, 210</p> <p>s. 165. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 169. Amended by No. 2424, s. 28, 1938, p. 210, by No. 46, s. 7, 1951, p. 113, and by No. 56, s. 4, 1954, p. 159</p> <p>s. 170. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 171. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 172. Amended by No. 16, s. 10, 1946, p. 60, by No. 56, s. 5, 1954, p. 159, and by No. 36, s. 8, 1961, p. 78</p> <p>s. 172a. Enacted by No. 2424, s. 29, 1938, p. 210</p> <p>s. 173. Amended by No. 2424, ss. 30 and 31, 1938, pp. 210, 211, by No. 43, s. 3, 1939, p. 264, and by No. 16, s. 18, 1946, p. 72</p> <p>s. 173a. Enacted by No. 46, s. 8, 1951, p. 113</p> <p>s. 178. Amended by No. 16, s. 19 (1), 1946, p. 72</p> <p>s. 178a. Enacted by No. 30, s. 97, 1961, p. 78</p> <p>s. 180. Amended by No. 2424, s. 109, 1938, p. 231, by No. 48, s. 20, 1952, p. 144, and by No. 54, s. 9 (1), 1957, p. 163</p> <p>s. 181. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 182. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 183. Amended by No. 48, s. 20, 1951, p. 144</p> <p>s. 184. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, ss. 19 (2) and 65, 1946, pp. 72, 98</p> <p>s. 184a. Enacted by No. 56, s. 6, 1954, p. 160 and amended by No. 30, s. 10, 1961, p. 78</p> <p>s. 184b. Enacted by No. 56, s. 6, 1954, p. 160 and amended by No. 30, s. 11, 1961, p. 78</p> <p>s. 187. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 188. Amended by No. 2424, ss. 32 and 109, 1938, pp. 211, 231 by No. 48, s. 20, 1952, p. 144, and by No. 54, s. 9 (2), 1957, p. 163</p> <p>s. 188a. Enacted by No. 30, s. 12, 1961, p. 78</p> <p>s. 193. Amended by No. 16, s. 65, 1946, p. 98, and by No. 56, s. 7(1), 1954, p. 160</p> <p>s. 196a. Enacted by No. 2424, s. 33, 1938, p. 211</p> <p>s. 197. Amended by No. 2424, s. 34, 1938, p. 211</p> <p>s. 198. Amended by No. 16, s. 65, 1946, p. 98, and by No. 56, s. 7(2), 1954, p. 161</p> <p>s. 203. Amended by No. 2424, s. 35, 1938, p. 211 and by No. 48, s. 8, 1952, p. 138</p> <p>s. 204. Amended by No. 2424, s. 36 (1), 1938, p. 211, and by No. 46, s. 9, 1951, p. 114</p> <p>s. 205. Amended by No. 2424, s. 36 (2), 1938, p. 212, by No. 46, s. 10, 1951, p. 114, and by No. 56, s. 8, 1954, p. 161</p> <p>s. 206. Amended by No. 16, s. 65, 1946, p. 98 and by No. 48, s. 9, 1952, p. 139</p> <p>s. 207. Amended by No. 48, s. 10, 1952, p. 139</p> <p>s. 207a. Enacted by No. 46, s. 11, 1951, p. 115</p> <p>s. 212. Amended by No. 56, ss. 9 and 33, 1954, pp. 162, 172, and by No. 30, s. 13, 1961, p. 78</p> <p>s. 212a. Enacted by No. 56, s. 10, 1954, p. 162, and amended by No. 30, s. 14, 1961, p. 78</p> <p>s. 214. Amended by No. 56, s. 11, 1954, p. 162, and by No. 30, s. 15, 1961, p. 78</p> <p><i>Baker v. The Corporation of the Town of Hindmarsh</i> (1958) S.A.S.R. 92</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p><i>Baker v. The Corporation of the Town of Hindmarsh</i> (1960) S.A.S.R., 299</p> <p>s. 215. Amended by No. 30, s. 16, 1961, p. 79</p> <p>s. 227. Amended by No. 2424, s. 37, 1938, p. 212</p> <p>s. 228. Amended by No. 2424, s. 38 (2), 1938, p. 213 and by No. 34, s. 4 (1), 1959, p. 105</p> <p>s. 233a. Enacted by No. 2424, s. 38 (1), 1938, p. 212, and amended by No. 46, s. 12, 1951, p. 115, and by No. 34, s. 4 (2), 1959, p. 105</p> <p>s. 234. Amended by No. 56, s. 2, 1949, p. 208, by No. 43, s. 20, 1952, p. 144, and by No. 56, s. 12 (1), 1954, p. 161</p> <p>s. 235. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 237. Amended by No. 46, s. 13 (1), 1951, p. 115</p> <p>s. 238. Amended by No. 43, s. 20, 1952, p. 144</p> <p>s. 239. Amended by No. 46, s. 13 (2), 1951, p. 115</p> <p>s. 240. Amended by No. 43, s. 20, 1952, p. 144</p> <p>s. 243. Amended by No. 56, s. 3, 1949, p. 208, by No. 46, s. 13 (3), 1951, p. 115, and by No. 56, s. 12 (2), 1954, p. 161</p> <p>s. 244. Amended by No. 56, s. 4, 1949, p. 208, by No. 43, s. 20, 1952, p. 144, and by No. 56, s. 12 (3), 1954, p. 161</p> <p>s. 244a. Enacted by No. 56, s. 13, 1954, p. 163 and amended by No. 30, s. 17, 1961, p. 79</p> <p>s. 245. Amended by No. 56, s. 5, 1949, p. 208</p> <p>s. 243. Amended by No. 56, s. 6, 1949, p. 209, by No. 46, s. 13 (4), 1951, p. 115, and by No. 56, s. 12 (4), 1954, p. 163</p> <p>s. 247. Amended by No. 56, s. 7, 1949, p. 209, by No. 43, s. 20, 1952, p. 144, and by No. 56, s. 12 (5), 1954, p. 163</p> <p>s. 248. Amended by No. 56, s. 8, 1949, p. 209</p> <p>s. 251. Amended by No. 2424, s. 39, 1938, p. 213, and by No. 43, s. 4 (1), 1939, p. 264</p> <p>s. 252. Amended by No. 43, s. 4 (3), 1939, p. 264</p> <p>s. 254. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 255. Amended by No. 2424, s. 40, 1938, p. 213</p> <p>s. 257. Amended by No. 30, s. 18, 1961, p. 79</p> <p>s. 262. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 264. Amended by No. 43, s. 4 (4), 1939, p. 264</p> <p>s. 267a. Enacted by No. 50, s. 5, 1959, p. 181</p> <p>s. 268. Amended by No. 16, s. 20, 1946, p. 72</p> <p>s. 269. Amended by No. 16, s. 21, 1946, p. 73</p> <p>s. 274. Amended by No. 43, s. 5, 1939, p. 265</p> <p>s. 276. Amended by No. 43, s. 6, 1939, p. 265, and by No. 16, s. 22, 1946, p. 73</p> <p>s. 281a. Enacted by No. 43, s. 7 (1), 1939, p. 265, and amended by No. 16, ss. 23 (1) and 65, 1946, pp. 73, 98</p> <p>s. 281b. Enacted by No. 43, s. 7 (1), 1939, p. 267, and amended by No. 16, ss. 24 and 65, 1946, pp. 75, 98</p> <p>s. 282. Amended by No. 43, s. 7 (2), 1939, p. 268</p> <p>s. 284. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 286. Amended by No. 2424, s. 41, 1938, p. 213</p> <p>s. 287. Amended by No. 2424, ss. 42, 43 and 44, 1938, pp. 213, 214, by No. 16, ss. 25 (1), 26 (1) and 27 (1), 1946, pp. 75, 76, by No. 51, s. 5, 1948, p. 218, by No. 46, s. 14, 1951, p. 115, by No. 48, s. 11 (1), 1952, p. 139, by No. 56, s. 14, 1954, p. 163, by No. 54, s. 10, 1957, p. 163, by No. 34, s. 5, 1959, p. 105, and by No. 30, s. 19, 1961, p. 79</p> <p>s. 288. Amended by No. 2424, ss. 44 (2) and 109, 1938, pp. 214, 231, by No. 16, ss. 25 (2) and 27 (2), 1946, pp. 75, 77, by No. 51, s. 6, 1948, p. 219, and by No. 43, s. 11 (2), 1952, p. 139</p> <p>s. 289. Amended by No. 46, s. 15, 1951, p. 116, by No. 56, s. 33, 1954, p. 172, and by No. 54, s. 6 (2), 1957, p. 162</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 289a. Enacted by No. 16, s. 28, 1946, p. 77 and amended by No. 48, s. 20, 1952, p. 144, by No. 56, s. 15, 1954, p. 163, and by No. 34, s. 6, 1959, p. 106</p> <p>s. 290a. Enacted by No. 16, s. 29, 1946, p. 77</p> <p>s. 290b. Enacted by No. 16, s. 30, 1946, p. 77</p> <p>s. 290c. Enacted by No. 56, s. 16, 1954, p. 163, and amended by No. 30, s. 20, 1961, p. 80</p> <p>s. 291. Repealed by No. 2424, s. 45, 1938, p. 214</p> <p>s. 296. Amended by No. 2424, s. 46, 1938, p. 214, by No. 16, s. 26 (2), 1946, p. 76, and by No. 54, s. 11 (1), 1957, p. 163</p> <p>s. 297. Amended by No. 54, s. 11 (2), 1957, p. 163</p> <p>s. 298a. Enacted by No. 16, s. 31, 1946, p. 78</p> <p>s. 298b. Enacted by No. 30, s. 21, 1961, p. 80</p> <p>s. 299. Amended by No. 2388, s. 7, 1938, p. 16, and by No. 43, s. 8, 1939, p. 268</p> <p>s. 300. Amended by No. 51, s. 7 (2), 1948, p. 219</p> <p>s. 300a. Enacted by No. 51, s. 7 (1), 1948, p. 219</p> <p>s. 301. Amended by No. 16, s. 65, 1946, p. 98 and by No. 48, s. 20, 1952, p. 144</p> <p>s. 303. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 304. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 305. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 306. Amended by No. 2424, s. 47, 1938, p. 214</p> <p>s. 308. Substituted by No. 16, s. 32, 1946, p. 78, and amended by No. 54, s. 12 (1) 1957, p. 163</p> <p>s. 309. Substituted by No. 16, s. 32, 1946, p. 80</p> <p>s. 310. Substituted by No. 16, s. 32, 1946, p. 81</p> <p>s. 310a. Enacted by No. 16, s. 32, 1946, p. 82, and amended by No. 54, s. 12 (2) 1957, p. 163</p> <p>s. 310b. Enacted by No. 16, s. 32, 1946, p. 82, and amended by No. 54, s. 12 (3), 1957, p. 163</p> <p>s. 313a. Enacted by No. 2424, s. 48, 1938, p. 214</p> <p>s. 314. <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451</p> <p>s. 315. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 316. <i>Dubois v. District Council of Nourlunga</i> (1959) S.A.S.R. 127</p> <p>s. 317. Amended by No. 51, s. 8, 1948, p. 219</p> <p>s. 319. Amended by No. 2424, s. 49, 1938, p. 214, by No. 51, s. 9, 1948, p. 220, by No. 46, s. 16, 1951, p. 116, by No. 17, s. 3, 1954, p. 40, by No. 54, s. 13, 1957, p. 164, and by No. 34, s. 7, 1959, p. 106 <i>Corporation of the Town of Campbelltown v. Johnson</i> (1954) S.A.S.R. 247</p> <p>s. 322. Amended by No. 46, s. 17 (1), 1951, p. 117</p> <p>s. 324. Amended by No. 46, s. 17 (2), 1951, p. 117</p> <p>s. 325. Amended by No. 54, s. 14, 1957, p. 164</p> <p>s. 328. Amended by No. 2424, ss. 50 and 51, 1938, p. 214, by No. 16, s. 33, 1946, p. 82, by No. 51, s. 10, 1948, p. 220, by No. 46, s. 18, 1951, p. 117, and by No. 17, s. 4, 1954, p. 42 <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451</p> <p>s. 330. Amended by No. 2424, s. 52, 1938, p. 215</p> <p>s. 332. Amended by No. 56, s. 33, 1954, p. 172 and by No. 54, s. 15, 1957, p. 164</p> <p>s. 337a. Enacted by No. 2424, s. 53, 1938, p. 215</p> <p>s. 338. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 339. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 342. Amended by No. 2424, ss. 54 and 55, 1938, p. 215, and by No. 16, s. 34, 1946, p. 83</p> <p>s. 343. Amended by No. 2424, s. 56, 1938, p. 215</p> <p>s. 344. Amended by No. 43, s. 28, 1939, p. 27 9</p> <p>s. 344a. Enacted by No. 2424, s. 57, 1938, p. 215</p> <p>s. 348. Amended by No. 2424, s. 58, 1938, p. 217 <i>Bowden v. The Corporation of the Town of Murray Bridge</i> (1936) S.A.S.R. 451</p> <p>s. 352. Substituted by No. 34, s. 8, 1959, p. 107</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 355. Amended by No. 16, s. 35, 1946, p. 83</p> <p>s. 355a. Enacted by No. 51, s. 11, 1948, p. 220</p> <p>s. 355b. Enacted by No. 48, s. 12, 1952, p. 140</p> <p>s. 357. Amended by No. 16, s. 36 (1), 1946, p. 83</p> <p>s. 358. Amended by No. 2424, s. 60, 1938, p. 217, by No. 56, s. 17, 1954, p. 164, and by No. 41, s. 25, 1960, p. 123 (which section was repealed by No. 50, 1961, s. 3)</p> <p>s. 360. Amended by No. 16, s. 37, 1946, p. 83</p> <p>s. 361. Amended by No. 2424, s. 61, 1938, p. 217</p> <p>s. 362a. Enacted by No. 51, s. 12, 1948, p. 220</p> <p>s. 362b. Enacted by No. 56, s. 18, 1954, p. 165.</p> <p>s. 364. Amended by No. 2424, s. 62, 1938, p. 217</p> <p>s. 365. Amended by No. 2424, s. 63, 1938, p. 217, and by No. 16, s. 38, 1946, p. 83</p> <p>s. 365a. Enacted by No. 43, s. 10, 1939, p. 269</p> <p>s. 365b. Enacted by No. 16, s. 39, 1946, p. 83</p> <p>s. 366. Amended by No. 2424, s. 64, 1938, p. 218</p> <p>s. 366a. Enacted by No. 2424, s. 65, 1938, p. 218</p> <p>s. 368. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 369. Amended by No. 16, s. 40, 1946, p. 84</p> <p>Heading to s. 370. Repealed by No. 30, s. 22 (1), 1961, p. 80</p> <p>s. 370. Amended by No. 2424, s. 66, 1938, p. 218, and by No. 30, 1961, s. 22 (2), p. 80</p> <p>Heading before s. 371. Enacted by No. 30, s. 22 (3), 1961, p. 80</p> <p>s. 371. Amended by No. 2424, s. 67, 1938, p. 218</p> <p>s. 372. Repealed by No. 16, s. 36 (2), 1946, p. 83</p> <p>Heading to s. 373. Amended by No. 30, s. 23 (1), 1961, p. 80</p> <p>s. 373. Amended by No. 43, s. 11, 1939, p. 269, by No. 56, s. 19, 1954, p. 165, and by No. 50, s. 6, 1959, p. 181, and by No. 30, s. 22 (2), 1961, p. 80</p> <p><i>Hughes v. Matters</i> (1950) S.A.S.R. 240</p> <p>s. 374. Amended by No. 16, s. 41. (1) and (2), 1946, p. 84, and by No. 51, s. 21, 1948, p. 223</p> <p>s. 375. Amended by No. 16, s. 42, 1946, p. 85, and by No. 46, s. 19, 1951, p. 117</p> <p>s. 380. Amended by No. 16, s. 43, 1946, p. 86</p> <p>s. 382. Amended by No. 2424, s. 68, 1938, p. 218 and by No. 56, s. 33, 1954, p. 172</p> <p>s. 382a. Enacted by No. 16, s. 44, 1946, p. 86</p> <p>s. 382b. Enacted by No. 16, s. 45, 1946, p. 86</p> <p>s. 382c. Enacted by No. 56, s. 20 (1), 1954, p. 165</p> <p>s. 383. Amended by No. 2424, s. 69, 1938, p. 218, by No. 16, s. 46, 1946, p. 88, by No. 48, s. 13, 1952, p. 140, by No. 56, s. 20 (2), 1954, p. 166, by No. 54, s. 16, 1957, p. 164, and by No. 50, s. 7, 1959, p. 182</p> <p>s. 384. <i>R. v. McIntosh and another</i> (1938) S.A.S.R. 375</p> <p>s. 399. Amended by No. 30, s. 24, 1961, p. 80</p> <p>s. 416. Amended by No. 46, s. 20, 1951, p. 117, and by No. 56, s. 33, 1954, p. 172.</p> <p>s. 424. Amended by No. 54, s. 17, 1957, p. 164</p> <p>s. 425. Amended by No. 17, s. 5, 1954, p. 43, and by No. 54, s. 18 (1), 1957, p. 165</p> <p>s. 427. Amended by No. 50, s. 8, 1959, p. 182</p> <p>s. 427a. Enacted by No. 2424, s. 70, 1938, p. 219 and repealed by No. 50, s. 9, 1959, p. 182</p> <p>s. 428. Amended by No. 50, s. 10, 1959, p. 182</p> <p>s. 430. Amended by No. 50, s. 11, 1959, p. 182</p> <p>s. 435. Amended by No. 16, s. 65, 1956, p. 98, by No. 46, s. 21, 1951, p. 118, by No. 54, s. 18 (2), 1957, p. 165, and by No. 50, s. 12, 1959, p. 182</p> <p>s. 436. Amended by No. 34, s. 9, 1959, p. 108</p> <p>s. 439. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 442. Amended by No. 54, s. 19, 1957, p. 165</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 449. Amended by No. 43, s. 12, 1939, p. 270, and by No. 51, s. 13, 1948, p. 221</p> <p>s. 449a. Enacted by No. 43, s. 13, 1939, p. 271, and amended by No. 16, s. 47, 1946, p. 89</p> <p>s. 449aa. Enacted by No. 51, s. 14, 1948, p. 221</p> <p>s. 449b. Enacted by No. 51, s. 15, 1948, p. 221</p> <p>s. 457. Amended by No. 30, s. 25, 1961, p. 80</p> <p><i>Attorney-General v. The Corporation of the City of Mitcham</i> (1957) S.A.S.R. 174</p> <p>s. 459. Amended by No. 16, s. 65, 1946, p. 98, and by No. 56, s. 21, 1954, p. 167</p> <p>s. 459a. Enacted by No. 54, s. 20, 1957, p. 165</p> <p>s. 460. Repealed by No. 56, s. 22 (1), 1954, p. 167</p> <p>s. 461. Repealed by No. 16, s. 48 (1), 1946, p. 89</p> <p>s. 462. Repealed by No. 56, s. 22 (1), 1954, p. 167</p> <p>s. 463. Repealed by No. 56, s. 22 (1), 1954, p. 167</p> <p>s. 464. Amended by No. 2424, s. 71 (1), 1938, p. 219, and by No. 16, s. 49 (2), 1946, p. 89</p> <p>s. 465. Amended by No. 2424, s. 71 (2), 1938, p. 219, and by No. 16, s. 65, 1946, p. 98</p> <p>s. 466. Amended by No. 2424, s. 71 (3), 1938, p. 219, and by No. 16, s. 49 (3), 1946, p. 89</p> <p>s. 468. Amended by No. 2424, s. 71 (4), 1938, p. 219, and by No. 16, s. 65, 1946, p. 98</p> <p>s. 469a. Enacted by No. 2424, s. 71 (5), 1938, p. 220</p> <p>s. 470. Amended by No. 2424, s. 71 (6), 1938, p. 220</p> <p>s. 472. Amended by No. 2424, s. 71 (7), 1938, p. 220, and by No. 16, s. 65, 1946, p. 98</p> <p>s. 473. Amended by No. 2424, s. 71 (8), 1938, p. 221</p> <p>s. 474. Amended by No. 2424, s. 71 (9), 1938, p. 221</p> <p>s. 474a. Enacted by No. 2424, s. 71 (10), 1938, p. 221</p> <p>s. 474b. Enacted by No. 16, s. 49 (4), 1946, p. 89</p> <p>ss. 475a to 475g. Enacted by No. 1, s. 2, 1957, pp. 1-4</p> <p>s. 490. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 491. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 493. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 497. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 504a. Enacted by No. 43, s. 14, 1939, p. 271</p> <p>s. 507a. Enacted by No. 16, s. 50, 1946, p. 90</p> <p>s. 514a. Enacted by No. 54, s. 21, 1957, p. 166</p> <p>s. 528. Amended by No. 2424, s. 72 (1), 1938, p. 221, by No. 56, s. 23 (1), 1954, p. 167, and by No. 54, s. 41, 1957, p. 174</p> <p>s. 529. Amended by No. 2424, s. 72 (2), 1938, p. 222, and by No. 56, s. 23 (2), 1954, p. 168</p> <p>s. 530a. Enacted by No. 54, s. 22, 1957, p. 166</p> <p>s. 530b. Enacted by No. 34, s. 10, 1959, p. 108</p> <p>s. 536a. Enacted by No. 2424, s. 73 (1), 1938, p. 222, and amended by No. 56, s. 24, 1954, p. 168</p> <p>s. 537. Amended by No. 54, s. 23, 1957, p. 166</p> <p>s. 540a. Enacted by No. 16, s. 51 (1), 1946, p. 91</p> <p>s. 545. Repealed by No. 2424, s. 73 (2), 1938, p. 222</p> <p>s. 547. Repealed by No. 16, s. 65, 1946, p. 98</p> <p>s. 548. Amended by No. 2424, s. 74, 1938, p. 222, and by No. 43, s. 15, 1939, p. 272</p> <p>s. 549. Repealed by No. 16, s. 51 (2), 1946, p. 92</p> <p>s. 550. Amended by No. 30, s. 26, 1961, p. 81</p> <p>s. 550a. Enacted by No. 2424, s. 75, 1938, p. 222</p> <p>s. 550b. Enacted by No. 48, s. 14, 1952, p. 140</p> <p>s. 552. Amended by No. 16, s. 52 (2), 1946, p. 92, and by No. 30, s. 27, 1961, p. 81</p> <p>s. 555. Amended by No. 2424, s. 76, 1938, p. 224</p> <p>s. 555a. Enacted by No. 16, s. 52 (1), 1946, p. 92</p> <p>Heading to Part XXVIII. Amended by No. 34, s. 3, 1943, p. 96</p> <p>ss. 556 to 568. Repealed by No. 34, s. 3, 1943, p. 96</p> <p>s. 569. Amended by No. 34, s. 3, 1943, p. 96</p> <p>s. 570. Amended by No. 34, s. 3, 1943, p. 96</p> <p>s. 571. Amended by No. 16, s. 53 (1), 1946, p. 93</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 572. Amended by No. 16, s. 53 (2), 1946, p. 93</p> <p>s. 591. Amended by No. 2424, s. 77, 1938, p. 224</p> <p>s. 591a. Enacted by No. 2424, s. 78, 1938, p. 224</p> <p>s. 620. Amended by No. 16, s. 54, 1946, p. 93</p> <p>s. 623. Repealed by No. 46, s. 22 (1), 1951, p. 118</p> <p>Heading to s. 629. Amended by No. 48, s. 15 (1), 1952, p. 142</p> <p>s. 629. Amended by No. 48, s. 15 (2), 1952, p. 142</p> <p>s. 630. Amended by No. 48, s. 15 (3), 1952, p. 142</p> <p>s. 631. Amended by No. 48, s. 15 (4), 1952, p. 142</p> <p>s. 632. Amended by No. 48, s. 15 (5), 1952, p. 142</p> <p>Heading to s. 640. Enacted by No. 51, s. 16 (2), 1948, p. 222</p> <p>s. 640. Amended by No. 51, s. 16 (1), 1948, p. 222</p> <p>Heading to s. 641. Repealed by No. 51, s. 16 (2), 1948, p. 222</p> <p>s. 664a. Enacted by No. 16, s. 55, 1946, p. 93</p> <p>s. 665. Amended by No. 56, s. 25, 1954, p. 169</p> <p>s. 666. Amended by No. 46, s. 23, 1951, p. 118, by No. 54, s. 64, 1957, p. 167, and by No. 34, s. 11, 1959, p. 108</p> <p>s. 666a. Enacted by No. 43, s. 16, 1939, p. 272</p> <p>s. 666b. Enacted by No. 54, s. 25 (1), 1957, p. 167, and amended by No. 30, s. 28, 1961, p. 81</p> <p>s. 666c. Enacted by No. 54, s. 26, 1957, p. 169</p> <p>s. 667. Amended by No. 2424, ss. 79, 80, 81, and 82, 1938, p. 224, by No. 9, s. 17, 1939, p. 33, by No. 43, s. 17, 1939, p. 273, by No. 16, ss. 56, 57 and 58, 1946, pp. 93, 94, by No. 51, ss. 17 and 18 (1), 1948, p. 222, by No. 46, ss. 24 and 25 (1), 1951, p. 118, by No. 48, ss. 15 (7), 16 (1) and 17, 1952, pp. 142, 143, by No. 56, ss. 20 (3), (4), 26 (1), and 27, 1954, pp. 166, 169, and 170, by No. 42, s. 3, 1957, p. 112 by No. 54, ss. 25 (2), 27 and 28 (1), 1957, pp. 168, 170, by No. 50, s. 13, 1959, p. 182, and by No. 30, ss. 29 and 30, 1961, p. 81</p> <p>s. 667 (Sa.). <i>Schulz v. Paige</i> (1961) S.A.S.R. 258</p> <p>s. 667 (47) <i>Coombe v Chaston</i> (1960) S.A.S.R. 161</p> <p>s. 669. Amended by No. 43, ss. 18 and 19 (1), 1939, p. 273, by No. 34, s. 3, 1943, p. 96, by No. 51, s. 18 (2), 1948, p. 222, by No. 46, ss. 22 (2), 25 (2), and 26, 1951, pp. 118, 119, by No. 48, ss. 15 (8), and 20, 1952, pp. 143, 144, by No. 56, ss. 26 (2), and 28, 1954, pp. 169, 170, and by No. 54, s. 28 (2), 1957, p. 170</p> <p><i>Loftes v. Barrington</i> (1943) S.A.S.R. 333;</p> <p>s. 670. Amended by No. 2424, s. 83, 1938, p. 225, by No. 43, s. 19 (2), 1939, p. 274, by No. 16, s. 41 (3), 1946, p. 84, by No. 51, s. 18 (3), 1948, p. 223, by No. 46, s. 27, 1951, p. 119, by No. 48, s. 16 (2), 1952, p. 143, by No. 56, s. 22 (2), 1954, p. 167, by No. 54, s. 28 (3), 1957, p. 170, and by No. 30, s. 31, 1961, p. 81</p> <p>s. 673. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 674. Amended by No. 48, s. 20, 1952, p. 144</p> <p>s. 676. Repealed by No. 54, s. 29, 1957, p. 170</p> <p><i>Ross Chenoweth Ltd. v. Hayes</i> (1955) S.A.S.R. 66</p> <p>s. 677. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 684. Amended by No. 34, s. 12, 1959, p. 108</p> <p>s. 686. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 686a. Enacted by No. 48, s. 18, 1952, p. 143</p> <p>s. 689. Amended by No. 46, s. 28, 1951, p. 119</p> <p>s. 691. Amended by No. 43, s. 20, 1939, p. 274, by No. 16, s. 65, 1946, p. 98, by No. 51, s. 21, 1948, p. 223, and by No. 56, s. 22 (3), 1954, p. 167</p> <p>s. 692. Amended by No. 56, s. 33, 1954, p. 172</p> <p>s. 693. Amended by No. 16, s. 59, 1946, p. 94</p> <p>s. 695. Amended by No. 2424, s. 84, 1938, p. 225, and by No. 54, s. 30, 1957, p. 170</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)—continued.	<p>s. 696. Amended by No. 2424, s. 85, 1938, p. 225</p> <p>s. 705. Amended by No. 16, s. 2 (6), 1946, p. 56</p> <p>s. 709. <i>Wache v. Parham</i> (1937) S.A.S.R. 116 <i>Baker v. The Corporation of the Town of Hindmarsh</i> (1958) S.A.S.R. 92</p> <p>s. 710. Amended by No. 2424, s. 86, 1938, p. 225, and by No. 16, s. 65, 1946, p. 98 <i>Wache v. Parham</i> (1937) S.A.S.R. 116</p> <p>s. 716. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 719. Amended by No. 54, s. 31, 1957, p. 171</p> <p>s. 721a. Enacted by No. 56, s. 29, 1954, p. 170, and repealed by No. 54, s. 25 (2), 1957, p. 168</p> <p>s. 730. <i>The University of Adelaide v. The District Council of Mitcham</i> (1937) S.A.S.R. 288</p> <p>s. 731. Amended by No. 2424, s. 109, 1938, p. 231</p> <p>s. 739. Amended by No. 2424, s. 87, 1938, p. 225</p> <p>s. 742. Amended by No. 2424, s. 88, 1938, p. 225</p> <p>s. 743a. Enacted by No. 50, s. 14, 1959, p. 183</p> <p>s. 755a. Enacted by No. 46, s. 29 (1), 1951, p. 120</p> <p>s. 755b. Enacted by No. 34, s. 13, 1959, p. 109</p> <p>s. 766. Amended by No. 46, s. 29 (2), 1951, p. 120</p> <p>s. 769a. Enacted by No. 2424, s. 89, 1938, p. 226</p> <p>s. 778a. Enacted by No. 16, s. 60, 1946, p. 94</p> <p>s. 779. Amended by No. 34, s. 14, 1959, p. 109</p> <p>s. 779a. Enacted by No. 43, s. 21, 1939, p. 274</p> <p>s. 779b. Enacted by No. 16, s. 62, 1946, p. 95, and amended by No. 56, s. 30, 1954, p. 171</p> <p>s. 780. Amended by No. 16, s. 41 (4), 1946, p. 84</p> <p>s. 780a. Enacted by No. 2424, s. 90, 1938, p. 226</p> <p>s. 781a. Enacted by No. 43, s. 22, 1939, p. 275, and amended by No. 51, s. 19, 1948, p. 223</p> <p>s. 782. Amended by No. 51, s. 21, 1948, p. 223</p> <p>s. 782a. Enacted by No. 43, s. 23, 1939, p. 275</p> <p>s. 783. Amended by No. 16, s. 61, 1946 p. 95, by No. 51, s. 20, 1948, p. 223, by No. 54, s. 32, 1957, p. 171, and by No. 34, s. 15, 1959, p. 109</p> <p>s. 784. Amended by No. 34, s. 16, 1959, p. 109</p> <p>s. 785. Amended by No. 54, s. 33, 1957, p. 171</p> <p>s. 788. Amended by No. 16, s. 63, 1946, p. 96</p> <p>s. 789. Amended by No. 56, s. 26 (3), 1954, p. 169</p> <p>s. 789a. Enacted by No. 43, s. 24, 1939, p. 276</p> <p>s. 791. Amended by No. 30, s. 32, 1961, p. 81</p> <p>s. 796. Amended by No. 2424, s. 91, 1938, p. 226</p> <p>s. 797. Amended by No. 2424, s. 92, 1938, p. 226, by No. 51, s. 21, 1948, p. 223, and by No. 50, s. 15, 1959, p. 183</p> <p>s. 803. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 804. Amended by No. 16, s. 13, (2) 1946, p. 62</p> <p>s. 806. Amended by No. 50, s. 16, 1959, p. 183</p> <p>s. 808. Amended by No. 16, s. 8 (8), 1946, p. 59</p> <p>s. 809. Amended by No. 2424, s. 93, 1938, p. 227, and by No. 16, s. 8 (9), 1946, p. 59</p> <p>s. 810. Amended by No. 2424, s. 94, 1938, p. 227, and by No. 51, s. 21, 1948, p. 223</p> <p>s. 817. Amended by No. 2424, s. 95, 1938, p. 227</p> <p>s. 819. Amended by No. 16, s. 12 (2), 1946, p. 61</p> <p>s. 820. Amended by No. 16, s. 9 (3) and (4), 1946, p. 60</p> <p>s. 824. Amended by No. 2424, s. 96, 1938, p. 229</p> <p>s. 825. Amended by No. 2424, s. 97, 1938, p. 229</p> <p>s. 827. Amended by No. 2424, s. 98, 1938, p. 229</p> <p>s. 829. Amended by No. 16, s. 65, 1946, p. 98</p> <p>s. 831. Amended by No. 2424, s. 99, 1938, p. 229</p> <p>s. 833. Amended by No. 2424, s. 100, 1938, p. 229, by No. 43, s. 28, 1939, p. 279, by No. 16, s. 64 (1), 1946, p. 96, by No. 51, s. 21, 1948, p. 223, by No. 54, s. 34, 1957, p. 171, and by No. 34, s. 17 (1), 1959, p. 109</p> <p>s. 834. Amended by No. 2424, s. 101, 1938, p. 229, by No. 16, s. 64 (2), 1946, p. 96, by No. 54, s. 35, 1957, p. 131, and by No. 34, s. 17 (2), 1959, p. 109</p>

Act Affected.	How Affected.
Local Government Act, 1934-1936 (Vol. 5, p. 1)— <i>continued.</i>	<p>s. 835. Amended by No. 16, s. 64 (3) and (9), 1946, pp. 96, 97</p> <p>s. 840. Amended by No. 2424, s. 102, 1938, p. 230, by No. 16, s. 64 (4), 1946, p. 96, by No. 48, s. 19 (1), 1952, p. 144, by No. 56, s. 31, 1954, p. 171, and by No. 54, s. 36 (1), 1957 p. 172</p> <p>s. 841. Amended by No. 16, s. 64 (5), 1946, p. 96, by No. 48, s. 20, 1952, p. 144, and by No. 54, s. 41, 1957, p. 174</p> <p>s. 846. Amended by No. 16, s. 64 (6), 1946, p. 97</p> <p>s. 847. Amended by No. 50, s. 17, 1959, p. 184</p> <p>s. 855a. Enacted by No. 50, s. 18, 1959, p. 184</p> <p>s. 858. Amended by No. 2424, s. 103, 1938, p. 230</p> <p>s. 865. Amended by No. 30, s. 33, 1961, p. 82</p> <p>s. 871a. Enacted by No. 17, s. 3, 1941, p. 52 and amended by No. 56, s. 32, 1954, p. 171</p> <p>ss. 871b. to 871f. Enacted by No. 17, s. 3, 1941, pp. 53-56</p> <p>s. 871g. Enacted by No. 17, s. 3, 1941, p. 57 and amended by No. 16, s. 65, 1946, p. 98</p> <p>ss. 871h to 871s. Enacted by No. 17, s. 3, 1941, pp. 58-61</p> <p>s. 871t. Enacted by No. 54, s. 37, 1957, p. 172</p> <p>s. 874. Amended by No. 2424, s. 104, 1938, p. 230</p> <p>s. 880a. Enacted by No. 43, s. 25, 1939, p. 276, and amended by No. 16, s. 41 (5), 1946, p. 85, and by No. 51, s. 21, 1948, p. 223</p> <p>s. 885. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, s. 65, 1946, p. 98</p> <p>s. 886. Amended by No. 2424, s. 109, 1938, p. 231, and by No. 16, s. 65, 1946, p. 98</p> <p>s. 886b. Enacted by No. 54, s. 38, 1957, p. 172</p> <p>s. 889. Enacted by No. 54, s. 39, 1957, p. 172</p> <p>s. 890. Repealed by No. 2424, s. 105, 1938, p. 230</p> <p>s. 892. Repealed by No. 2424, s. 105, 1938, p. 230</p> <p>s. 896. Repealed by No. 48, s. 20, 1952, p. 144</p> <p>ss. 900 to 906. Repealed by No. 2424, s. 105, 1938, p. 230</p> <p>Third schedule. Repealed by No. 16, s. 8 (10), 1946, p. 59</p> <p>Fourth schedule. Repealed by No. 16, s. 8 (10), 1946, p. 59</p> <p>Fifth schedule. Amended by No. 2424, ss. 14 (2), and 106 (1), 1938, pp. 204, 230, by No. 43, s. 26, 1939, p. 277, and by No. 16, s. 5 (2) and (3), 1946, p. 57</p> <p>Tenth schedule. Amended by No. 54, s. 40, 1957, p. 173</p> <p>Eleventh schedule. Amended by No. 43, s. 27, 1939, p. 278, and by No. 16, ss. 23 (2) and 65, 1946, pp. 75, 98</p> <p>Fourteenth schedule. Amended by No. 2424, s. 71 (11) and (12), 1938, p. 221, by No. 16, ss. 49 (5), and 65, 1946, pp. 90, 98, and by No. 51, s. 21, 1948, p. 223</p> <p>Eighteenth schedule. Amended by No. 2424, s. 106, pp. 90, 98 (2), 1938, p. 230</p> <p>Nineteenth schedule. Amended by No. 2424, s. 107, 1938, p. 230, by No. 16, ss. 9 (5), 64 (7), and 65, 1946, pp. 60, 97 and 98, by No. 51, s. 21, 1948, p. 223, and by No. 48, ss. 19 (2), 20, 1952, p. 144, by No. 54, ss. 36 (2), 41, 1957, pp. 172, 174, and No. 34, s. 17 (3), 1959, p. 109</p> <p>Twenty-second schedule. Enacted by No. 2424, s. 108, 1938, p. 231</p>
Local Government Act Amendment Act (No. 2), 1952 (1952, p. 137)	Schedule. Amended by No. 56, s. 33, 1954, p. 172
Local Government Act Amendment Act, 1957 (1957, p. 161)	s. 27. Amended by No. 34, s. 18 (1), 1959, p. 110

Act Affected.	How Affected.
Local Government (City of Enfield Loan) Act, 1953 (1953, p. 88)	Long title. Amended by No. 9, s. 3, 1961, p. 27 s. 4. Amended by No. 9, s. 4, 1961, p. 28
Lottery and Gaming Act, 1936 (Vol. 5, p. 401)	This Act, as amended by No. 2394, 1938, p. 40, No. 2417, 1938, p. 159, No. 11, 1939, p. 39, No. 13, 1939, p. 45, No. 11, 1943, p. 23, No. 42, 1945, p. 202, No. 37, 1947, p. 98, No. 46, 1948, p. 201, No. 19, 1949, p. 65, No. 36, 1950, p. 104, No. 57, 1950, p. 198, No. 58, 1950, p. 201, No. 43, 1953, p. 125, No. 57, 1954, p. 174, No. 42, 1955, p. 124, and No. 42, 1956, p. 121, and with notes of judicial decisions, is reprinted in the 1959 volume p. 273. <i>See also</i> the following paragraph
Lottery and Gaming Act, 1936-1956 (1959, p. 273)	s. 7. <i>Ampol Petroleum Ltd. v. O'Sullivan</i> (1960) S.A.S.R. 137 s. 8. <i>Ampol Petroleum Ltd. v. O'Sullivan</i> (1960) S.A.S.R. 137 s. 105. <i>Campbell v. Inkley</i> (1960) S.A.S.R. 273 <i>Duthie v. Brebner</i> (1961) S.A.S.R. 183
Lower River Broughton Irrigation Trust Act, 1938 (1938, p. 235)	s. 99a. Enacted by No. 43, s. 3, 1940, p. 139
Maintenance Act, 1926-1936 (Vol. 5, p. 461)	This Act, as amended by No. 2360, 1937, p. 63, and No. 2350, 1937, p. 132, and with notes of judicial decisions, is reprinted in the 1937 volume, p. 173. <i>See also</i> the following paragraph.
Maintenance Act, 1926-1937 (1937, p. 137)	s. 5. Amended by No. 44, s. 3, 1941, p. 189, and by No. 47, ss. 2 and 3, 1948, p. 203 <i>Rule v. Colquhoun</i> (1955) S.A.S.R. 222 s. 9. Amended by No. 47, s. 10, 1948, p. 205 s. 12. Amended by No. 47, s. 10, 1948, p. 205 s. 12a. Enacted by No. 47, s. 5, 1948, p. 204 s. 14. Substituted by No. 47, s. 6, 1948, p. 204 s. 23. Repealed by No. 44, s. 4, 1941, p. 189 s. 24. Amended by No. 44, s. 5, 1941, p. 190 s. 25. Substituted by No. 33, s. 3, 1952, p. 98 s. 28. Amended by No. 47, s. 10, 1948, p. 205 <i>Hampel v. Hampel</i> (1946) S.A.S.R. 317, reversing <i>Hampel v. Hampel</i> (1945) S.A.S.R. 123; 20 A.L.J. 67 s. 43. <i>Anderson v. Taylor</i> (1957) S.A.S.R. 131 s. 46. <i>Cocks v. Juncken</i> (1947) 74 C.L.R. 277; 21 A.L.J. 127, reversing <i>Juncken v. Cocks</i> (1946) S.A.S.R. 84 <i>Durbin v. Durbin</i> (1956) S.A.S.R. 128 s. 47. <i>Hunter v. Hunter</i> (1957) S.A.S.R. 152 s. 48. Amended by No. 31, s. 3, 1950, p. 87 and by No. 33, s. 4, 1952, p. 99 s. 48a. Enacted by No. 44, s. 6, 1941, p. 190 s. 54. Amended by No. 31, s. 4, 1950, p. 87 and by No. 33, s. 5, 1952, p. 99 s. 59. <i>Williams v. Short</i> (1939) S.A.S.R. 369 s. 59a. <i>Williams v. Short</i> (1939) S.A.S.R. 369 <i>Lugg v. Wright</i> (1941) S.A.S.R. 106 s. 60 (1). <i>Hayter v. Howie</i> (1937) S.A.S.R. 59. Special leave to appeal to the High Court refused, 59 C.L.R. 807 (note). <i>Kalms v. Wright</i> (1940) S.A.S.R. 170 <i>Mahoney v. Wright</i> (1943) S.A.S.R. 61 s. 62. Amended by No. 31, s. 5, 1950, p. 88 s. 66. <i>Axon v. Axon</i> (1937) 59 C.L.R. 395; 11 A.L.J. 342, affirming <i>Axon v. Axon</i> (1937) S.A.S.R. 439 <i>Garden v. Garden</i> 2 A.L.J. 66 <i>Manuel v. Manuel</i> (1940) S.A.S.R. 362 <i>Kolosche v. Kolosche</i> (1943) S.A.S.R. 191 <i>Fisher v. Fisher</i> (1945) S.A.S.R. 145

Act Affected.	How Affected.
Maintenance Act, 1926-1937 (1937, p. 137)— <i>continued.</i>	<p>s. 67. Substituted by No. 44, s. 7, 1941, p. 190</p> <p>s. 68. <i>Garden v. Garden</i> 2 A.L.J. 66</p> <p>s. 72. <i>Fisher v. Fisher</i> (1945) S.A.S.R. 145</p> <p>s. 73. <i>Freer v. Freer</i> (1948) S.A.S.R. 76</p> <p>s. 91. Amended by No. 44, s. 8, 1941, p. 191 <i>King v. King</i> (1940) S.A.S.R. 214 <i>Jenner v. Watson</i> (1956) S.A.S.R. 241</p> <p>s. 100. Amended by No. 44, s. 9, 1941, p. 191</p> <p>s. 102. <i>Neale v. Colquhoun</i> (1944) S.A.S.R. 119</p> <p>s. 102a. Enacted by No. 31, s. 6, 1950, p. 88</p> <p>s. 103. Amended by No. 44, s. 10, 1941, p. 119 and by No. 31, s. 7, 1950, p. 88</p> <p>s. 104. Repealed by No. 31, s. 8, 1950, p. 88</p> <p>s. 105. Amended by No. 44, s. 11, 1941, p. 192, and by No. 47, s. 7, 1948, p. 204 <i>Mackay v. Colquhoun.</i> (1956) S.A.S.R. 318</p> <p>s. 108. Amended by No. 44, s. 12, 1941, p. 192 <i>Neale v. Colquhoun</i> (1944) S.A.S.R. 119</p> <p>s. 109. Amended by No. 47, s. 3, 1948, p. 205</p> <p>s. 110. Amended by No. 44, s. 13, 1941, p. 192</p> <p>s. 111. Amended by No. 44, s. 14, 1941, p. 192</p> <p>s. 112. Amended by No. 44, s. 15, 1941, p. 192, and by No. 31, s. 9, 1950, p. 89</p> <p>s. 113. Amended by No. 44, s. 16, 1941, p. 192 <i>R. v. Jorgenson</i> (1953) S.A.S.R. 90</p> <p>s. 117. Repealed by No. 44, s. 17, 1941, p. 192</p> <p>s. 122a. Enacted by No. 44, s. 18, 1941, p. 192 and amended by No. 50, s. 3, 1958, p. 189</p> <p>s. 123. Amended by No. 31, s. 10, 1950, p. 89</p> <p>s. 126. Amended by No. 40, s. 3, 1946, p. 185</p> <p>s. 127. Amended by No. 31, s. 11, 1950, p. 89</p> <p>s. 132a. Enacted by No. 50, s. 4, 1958, p. 190</p> <p>s. 133. Amended by No. 50, s. 5, 1958, p. 190</p> <p>s. 150. Amended by No. 47, s. 9, 1948, p. 205, by No. 31, s. 12, 1950, p. 89, and by No. 31, s. 3, 1957, p. 85</p> <p>s. 151. Amended by No. 50, s. 6, 1958, p. 190</p> <p>s. 152a. Enacted by No. 50, s. 7, 1958, p. 190</p> <p>s. 157. Amended by No. 31, s. 13, 1950, p. 89</p> <p>s. 158. Amended by No. 31, s. 14, 1950, p. 89</p> <p>s. 163. Amended by No. 44, s. 19, 1941, p. 192</p> <p>s. 165. Amended by No. 44, s. 20, 1941, p. 193</p> <p>s. 166. Amended by No. 44, s. 21, 1941, p. 193</p> <p>s. 177a. Enacted by No. 50, s. 8, 1958, p. 190</p> <p>s. 182. Amended by No. 31, s. 15, 1950, p. 89</p> <p>s. 182a. Enacted by No. 33, s. 6, 1952, p. 99</p> <p>s. 186. Amended by No. 31, s. 16, 1950, p. 89</p> <p>s. 188. Amended by No. 31, s. 17, 1950, p. 89</p> <p>s. 189. Amended by No. 31, s. 18, 1950, p. 90</p> <p>s. 195. Repealed by No. 31, s. 19, 1950, p. 90</p> <p>Second schedule. Amended by No. 44, s. 22, 1941, p. 193</p>
Maintenance Orders (Facilities for Enforcement) Act, 1922-1925 (Vol. 5, p. 543)	<p>Long title. Amended by No. 19, s. 3, 1953, p. 47</p> <p>s. 2. Amended by No. 19, s. 4, 1953, p. 47</p> <p>s. 4. Amended by No. 29, s. 3, 1955, p. 93</p> <p>s. 5. Amended by No. 29, s. 4, 1955, p. 93</p> <p>s. 6. Amended by No. 19, s. 5, 1953, p. 48, and by No. 29, s. 5, 1955, p. 94 <i>Jarvis v. Jarvis</i> (1947) S.A.S.R. 12</p> <p>s. 6a. Enacted by No. 29, s. 6, 1955, p. 95</p> <p>s. 12. Amended by No. 19, s. 6, 1953, p. 48, and by No. 29, s. 7, 1955, p. 95</p> <p>s. 13. Enacted by No. 19, s. 7, 1953, p. 49, and amended by No. 29, s. 8, 1955, p. 96</p>
Margarine Act, 1939 (1939, p. 217) . . .	<p>s. 3. Amended by No. 35, s. 3, 1940, p. 98</p> <p>s. 3a. Enacted by No. 35, s. 4, 1940, p. 99</p> <p>Heading before s. 20. Amended by No. 45, s. 3, 1941, p. 194</p>

Act Affected.	How Affected.
Margarine Act, 1939 (1939, p. 217) <i>—continued.</i>	s. 20. Amended by No. 45, s. 4, 1941, p. 194, by No. 19, s. 3, 1948, p. 100, by No. 31, s. 2, 1952, p. 95, and by No. 30, s. 3 (1), 1956, p. 76 s. 20a. Enacted by No. 35, s. 5, 1940, p. 99 s. 25. Amended by No. 45, s. 5, 1941, p. 195 s. 25a. Enacted by No. 45, s. 6, 1941, p. 195
Marine Act, 1936 (Vol. 5, p. 556)	s. 14. Amended by No. 57, s. 3, 1962, p. 534 s. 19. Amended by No. 57, s. 4, 1962, p. 535 s. 20. Amended by No. 57, s. 5, 1962, p. 535 s. 26. Substituted by No. 57, s. 6, 1962, p. 535 s. 59. Amended by No. 57, s. 7, 1962, p. 536 ss. 67a to 67g. Enacted by No. 46, s. 3, 1957, pp. 127, 128 s. 85a. Enacted by No. 57, s. 8, 1962, p. 536 s. 107. Amended by No. 57, s. 9, 1962, p. 537 s. 109. Amended by No. 57, s. 10, 1962, p. 537 s. 111. Amended by No. 57, s. 11, 1962, p. 537 s. 114. Amended by No. 57, s. 12, 1962, p. 537 s. 125. Amended by No. 57, s. 13, 1962, p. 537 s. 127. Amended by No. 57, s. 14, 1962, p. 538 s. 145. Amended by No. 17, s. 4, 1947, p. 44 Second schedule. Amended by No. 57, s. 15, 1962, p. 538
The Marine Stores Act, 1898-1935 (Vol. 5, p. 624)	s. 10. Amended by No. 15, s. 2, 1958, p. 35 s. 13. Amended by No. 14, s. 2, 1947, p. 34 s. 30. Amended by No. 14, s. 3, 1947, p. 34 Fifth schedule. Amended by No. 14, s. 4, 1947, p. 35, and by regulations, <i>Gazette</i> 5th September, 1957, p. 525
Marketing of Eggs Act, 1941 (1941, p. 168)	s. 16. Amended by No. 5, s. 3, 1949, p. 9 s. 18a. Enacted by No. 3, s. 3, 1942, p. 5 s. 27. Amended by No. 3, s. 4, 1942, p. 6 s. 35. Amended by No. 30, s. 3, 1945, p. 135, by No. 5, s. 4, 1949, p. 9, by No. 10, s. 3, 1954, p. 20, by No. 9, s. 3, 1957, p. 27, and by No. 17, s. 3, 1959, p. 44
The Markets Clauses Act, 1870-1935 (Vol. 5, p. 639)	s. 10a. Enacted by No. 31, s. 3, 1956, p. 79 s. 13. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 14. Substituted by No. 31, s. 4, 1956, p. 80 s. 21. Substituted by No. 31, s. 5, 1956, p. 80 s. 26a. Enacted by No. 2370, s. 2, 1937, p. 105 s. 31. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 36. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 38. <i>Tucker v. Bishop</i> (1936) S.A.S.R. 345 s. 40. Repealed by No. 2370, s. 3, 1937, p. 106
Marriage Act, 1936 (Vol. 5, p. 653) . . .	This Act, as amended by No. 18, 1941, p. 62, No. 51, 1941, p. 245, and No. 7, 1944, p. 13, and with notes of judicial decisions, is reprinted in the 1944 volume, p. 214. <i>See also</i> the following paragraph
Marriage Act, 1936-1944 (1944, p. 214)	s. 4. Amended by No. 31, s. 3, 1961, p. 83 s. 14. Substituted by No. 21, s. 2, 1950, p. 61 s. 32. <i>Kruse (otherwise Suits) v. Suits</i> (1960) S.A.S.R. 124 s. 33. Amended by No. 31, s. 4, 1961, p. 83 s. 42a. Enacted by No. 21, s. 4, 1957, p. 53 s. 49. Amended by No. 31, s. 5, 1961, p. 84 Sixth schedule. Amended by regulations <i>Gazette</i> 22nd March, 1951, p. 647, and by No. 31, s. 6, 1961, p. 84
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)	s. 5. <i>K (otherwise W.) v. W.</i> (1939) S.A.S.R. 68 s. 6. <i>Daws v. Daws</i> (1941) S.A.S.R. 186 <i>Carey v. Carey</i> (1942) S.A.S.R. 62 <i>Evans v. Evans and Berry</i> (1942) S.A.S.R. 223; 17 A.L.J. 61

Act Affected.	How Affected.
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)— <i>continued.</i>	<p><i>Bradford v. Bradford</i> (1943) S.A.S.R. 123, affirming <i>Bradford v. Bradford</i> (1943) S.A.S.R. 5</p> <p><i>Field v. Field</i> (1944) S.A.S.R. 71</p> <p><i>Maitland v. Maitland</i> (1944) S.A.S.R. 80</p> <p><i>McCoy v. McCoy and Court</i> (1944) S.A.S.R. 274, reversing <i>McCoy v. McCoy</i> (1944) S.A.S.R. 231</p> <p><i>Savenis v. Savenis and Szmeck</i> (1950) S.A.S.R. 309; 25 A.L.J. 72</p> <p><i>Schawrowas v. Schawrowas</i> (1951) S.A.S.R. 75</p> <p><i>Cross v. Cross</i> (1951) S.A.S.R. 172</p> <p><i>Vassallo v. Vassallo and Hutton</i> (1952) S.A.S.R. 129</p> <p><i>Fokas (otherwise Milkalauskaitė) v. Fokas</i> (1952) S.A.S.R. 152</p> <p><i>Adorjan v. Adorjan and Mado</i> (1954) S.A.S.R. 15</p> <p><i>Morris v. Morris</i> (1955) S.A.S.R. 80</p> <p><i>Della Torre v. Della Torre</i> (1955) S.A.S.R. 278</p> <p><i>Kirsch v. Kirsch</i> (1958), S.A.S.R. 253</p> <p><i>Kruse (otherwise Suits) v. Suits</i> (1960) S.A.S.R. 124</p> <p>s. 6 (a). <i>Craske v. Craske</i> (1936) S.A.S.R. 439</p> <p><i>Carter v. Carter</i> (1937) S.A.S.R. 16</p> <p><i>Greenfield v. Greenfield and Barber</i> (1938) S.A.S.R. 435</p> <p><i>Williams v. Williams</i> (1939) S.A.S.R. 20</p> <p><i>Pate v. Pate and Morris</i> (1939) S.A.S.R. 440</p> <p><i>W. v. W.</i> (1941) S.A.S.R. 144</p> <p><i>Scott v. Scott and Chamberlain</i> (1942) S.A.S.R. 19</p> <p><i>Ramsey v. Ramsey</i> (1942) S.A.S.R. 74</p> <p><i>McKinnon v. McKinnon</i> (1942) S.A.S.R. 107</p> <p><i>Eustice v. Eustice and Creasy</i> (1942) S.A.S.R. 256</p> <p><i>Hewton v. Hewton</i> (1944) S.A.S.R. 54</p> <p><i>Wilson v. Wilson and Roberts</i> (1946) S.A.S.R. 226; 21 A.L.J. 316</p> <p><i>Wright v. Wright</i> 22 (1948) 77 C.L.R. 191; 22 A.L.J. 534</p> <p><i>Tetley v. Tetley</i> (1949) S.A.S.R. 66</p> <p><i>Phillis v. Phillis and Gee</i> (1953) S.A.S.R. 290</p> <p><i>Hamlyn v. Hamlyn</i> (1958) S.A.S.R. 68</p> <p>s. 6 (b). <i>Dunkley v. Dunkley</i> (1938) S.A.S.R. 325</p> <p><i>Wilkinson v. Wilkinson</i> (1943) S.A.S.R. 207</p> <p><i>Templer v. Templer</i> (1944) S.A.S.R. 32</p> <p><i>Dahlitz v. Dahlitz</i> (1945) S.A.S.R. 47; 19 A.L.J. 271</p> <p><i>McCann v. McCann</i> (1947) S.A.S.R. 108</p> <p><i>Senmens v. Semmens</i> (1947) S.A.S.R. 352; 22 A.L.J. 91</p> <p><i>Cox v. Cox</i> (1949) S.A.S.R. 117</p> <p><i>Harper v. Harper</i> (1951) S.A.S.R. 66</p> <p><i>Truscott v. Truscott</i> (1951) S.A.S.R. 181</p> <p><i>Siggins v. Siggins</i> (1951) S.A.S.R. 227</p> <p><i>Sorrell v. Sorrell</i> (1954) S.A.S.R. 113</p> <p><i>Sangster v. Sangster</i> (1954) S.A.S.R. 129</p> <p><i>Beattie v. Beattie</i> (1954) S.A.S.R. 143</p> <p>s. 6 (c). Amended by No. 2428, s. 3 (1), 1938, p. 278</p> <p><i>Lawlor v. Lawlor and Freeman</i> (1937) S.A.S.R. 44</p> <p><i>The Crown Solicitor for the State of South Australia v. Gilbert</i> (1937) 59 C.L.R. 322; 11 A.L.J. 347, reversing <i>Gilbert v. Gilbert</i> (1937) S.A.S.R. 79</p> <p><i>Hamilton v. Hamilton</i> (1937) S.A.S.R. 162</p> <p><i>Dedrick v. Dedrick</i> (1938) S.A.S.R. 302</p> <p><i>Sinclair v. Sinclair</i> (1938) S.A.S.R. 360</p> <p><i>Sawford v. Sawford</i> (1939) S.A.S.R. 55</p> <p><i>Phillis v. Phillis</i> (1939) S.A.S.R. 125</p> <p><i>Sheehan v. Sheehan</i> (1940) S.A.S.R. 315</p> <p><i>Shurven v. Shurven</i> (1943) S.A.S.R. 52</p> <p><i>Struthers v. Struthers</i> (1943) S.A.S.R. 89</p> <p><i>Maddigan v. Maddigan</i> (1943) S.A.S.R. 142</p> <p><i>Goldner v. Goldner</i> (1944) S.A.S.R. 63</p>

Act Affected.	How Affected.
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)— <i>continued.</i>	<p><i>Bellamy v. Bellamy</i> (1944) S.A.S.R. 271 <i>Gillies v. Gillies</i> (1945) S.A.S.R. 1 <i>Morgan v. Morgan</i> (1945) S.A.S.R. 175 <i>Gordon v. Gordon</i> (1946) S.A.S.R. 168; 21 A.L.J. 157 <i>Saxby v. Saxby</i> 20 A.L.J. 436 <i>Harval v. Harval</i> (1946) S.A.S.R. 259 <i>Robinson v. Robinson</i> (1946) S.A.S.R. 264 <i>Beck v. Beck</i> (1946) S.A.S.R. 309 <i>Morgan v. Morgan</i> (1947) S.A.S.R. 51 <i>White v. White</i> (1950) S.A.S.R. 186 <i>Blaikie v. Blaikie</i> (1950) S.A.S.R. 247 <i>Preston v. Preston</i> (1950) S.A.S.R. 305 <i>Hayes v. Hayes</i> (1951) S.A.S.R. 118 <i>Mewett v. Mewett</i> (1952) S.A.S.R. 148 <i>Green v. Green</i> (1954) S.A.S.R. 104 <i>Jovanovic v. Jovanovic</i> (1955) S.A.S.R. 309 <i>Jongschaap v. Jongschaap</i> (1956) S.A.S.R. 264 <i>Daniluk v. Daniluk</i>, (1956) S.A.S.R. 275</p> <p>s. 6 (d). <i>McGuire v. McGuire</i> (1943) S.A.S.R. 167 <i>Ware v. Ware</i> (1950) S.A.S.R. 203 <i>Pinnington v. Pinnington</i> (1952) S.A.S.R. 256 <i>McKinnon v. McKinnon</i> (1953) S.A.S.R. 259</p> <p>s. 6 (g). <i>Cotter v. Cotter</i> (1953) S.A.S.R. 325</p> <p>s. 6 (h). <i>C. v. C.</i> (1939) S.A.S.R. 377 <i>Bowering v. Bowering</i> (1944) S.A.S.R. 145</p> <p>s. 6 (i). Amended by No. 51, s. 3 (1), 1941, p. 245 <i>Davis v. Davis</i> (1943) S.A.S.R. 203 <i>Read v. Read</i> (1944) S.A.S.R. 26 <i>Erskine v. Erskine</i>, (1957) S.A.S.R. 129</p> <p>s. 6 (j). Amended by No. 2428, s. 3 (1), 1938, p. 278 <i>Williams v. Williams</i> (1951) S.A.S.R. 18</p> <p>s. 6 (k). Enacted by No. 2428, s. 3 (1), 1938, p. 278 <i>West v. West</i> (1940) S.A.S.R. 303</p> <p>s. 6a. Enacted by No. 51, s. 4, 1941, p. 246 <i>Robinson v. Robinson</i> (1946) S.A.S.R. 264 <i>Beck v. Beck</i> (1946) S.A.S.R. 309 <i>Daulby v. Daulby</i> (1947) S.A.S.R. 175 <i>Roberts v. Roberts</i> (1948) S.A.S.R. 337 <i>Sosnowski v. Sosnowski</i> (1954) S.A.S.R. 201</p> <p>s. 7 (a). <i>Barber v. Barber and Greenfield</i> (1938) S.A.S.R. 103, affirming <i>Barber v. Barber and Greenfield</i> (1937) S.A.S.R. 383</p> <p>s. 7 (c). <i>Richardson v. Richardson</i> (1938) S.A.S.R. 137</p> <p>s. 8. Amended by No. 51, s. 5, 1941, p. 246</p> <p>s. 9. <i>Besanko v. Besanko</i> (1949) S.A.S.R. 275 <i>Corlevich v. Corlevich</i> (otherwise <i>Kusulja</i>) (1958) S.A.S.R. 131</p> <p>s. 10. <i>Martin v. Martin and Long</i> (1944) S.A.S.R. 59 <i>Bell v. Bell</i> (1944) S.A.S.R. 247 <i>Wright v. Wright</i> (1948) 77 C.L.R. 191; 22 A.L.J. 53; <i>Lahiff v. Lahiff and Weaver</i> (1959) S.A.S.R. 155</p> <p>s. 11. <i>Corigliano v. Corigliano and others</i> (1959) S.A.S.R. 208</p> <p>s. 11 (a). <i>Haeveker v. Haeveker</i> (1937) 57 C.L.R. 6394 10 A.L.J. 469 <i>Downing v. Downing</i> (1942) S.A.S.R. 17 <i>Bland v. Bland and Pascoe</i> (1942) S.A.S.R. 59 <i>Martin v. Martin and Long</i> (1944) S.A.S.R. 59 <i>Adams v. Adams</i> (1944) S.A.S.R. 68 <i>Snelling v. Snelling</i> (1944) S.A.S.R. 148 <i>Robertson v. Robertson</i> (1945) S.A.S.R. 65 <i>Fairey v. Fairey</i> (1947) S.A.S.R. 69; 21 A.L.J. 274 <i>Eriksen v. Eriksen</i> (1947) S.A.S.R. 82; 21 A.L.J. 274</p> <p><i>Whiting v. Whiting and Chellow</i> (1947) S.A.S.R. 363; 22 A.L.J. 94 <i>Francis v. Francis</i> (1947) S.A.S.R. 427 <i>Gale v. Gale</i> (1952) 86 C.L.R. 378; 26 A.L.J. 450,</p>

Act Affected.	How Affected.
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)— <i>continued.</i>	<p>affirming <i>Gale v. Gale and Osmond</i> (1951) S.A.S.R. 207</p> <p><i>Sangster v. Sangster</i> (1954) S.A.S.R. 129</p> <p><i>Krawczyk v. Krawczyk and Kowalczyk</i> (1955) S.A.S.R. 129</p> <p><i>Viant v. Viant and Richardson</i> (1955) S.A.S.R. 146</p> <p><i>Conn v. Conn</i> (1955) S.A.S.R. 160</p> <p><i>Knuckey v. Knuckey and Wilton</i> (1959) S.A.S.R. 101</p> <p><i>Fenwick v. Fenwick</i> (1960) S.A.S.R. 67</p> <p><i>Vrska v. Vrska and Krutsky</i> (1960) S.A.S.R. 74</p> <p><i>Schuman v. Schuman</i> (1961) S.A.S.R. 242</p> <p>s. 11 (b). <i>Amber v. Amber</i> (1937) S.A.S.R. 27</p> <p><i>Barlow v. Barlow and Klemick and Angus</i> (1937) S.A.S.R. 246</p> <p><i>White v. White</i> (1938) S.A.S.R. 133</p> <p><i>Todd v. Todd and Close</i> (1938) S.A.S.R. 304</p> <p><i>Percival v. Percival</i> (1944) S.A.S.R. 40</p> <p><i>Truckwell v. Truckwell</i> (1952) S.A.S.R. 240</p> <p><i>Johannsen v. Johannsen</i> (1953) S.A.S.R. 141</p> <p><i>Mericka v. Mericka</i> (1954) S.A.S.R. 74</p> <p><i>Stephenson v. Stephenson</i> (1954) S.A.S.R. 308</p> <p><i>Knuckey v. Knuckey and Wilton</i> (1959) S.A.S.R. 101</p> <p><i>Schuman v. Schuman and another</i> 35 A.L.J.R. 398</p> <p>s. 12. <i>The Crown Solicitor for the State of South Australia v. Gilbert</i> (1937) 59 C.L.R. 322; 11 A.L.J. 347, reversing <i>Gilbert v. Gilbert</i> (1937) S.A.S.R. 79</p> <p><i>Haeveker v. Haeveker</i> (1937) 57 C.L.R. 639; 10 A.L.J. 469</p> <p><i>Preece v. Preece</i> (1938) S.A.S.R. 195</p> <p><i>Stuckey v. Stuckey and Camphuynder</i> (1938) S.A.S.R. 286</p> <p><i>Greenfield v. Greenfield and Barber</i> (1938) S.A.S.R. 435</p> <p><i>Deane v. Deane</i> (1942) S.A.S.R. 199</p> <p><i>Allen v. Allen</i> (1942) S.A.S.R. 257</p> <p><i>Bradford v. Bradford</i> (1943) S.A.S.R. 5</p> <p><i>Wilkinson v. Wilkinson</i> (1943) S.A.S.R. 207</p> <p><i>Jones v. Jones</i> (1943) S.A.S.R. 299</p> <p><i>Hamlyn v. Hamlyn</i> (1943) S.A.S.R. 323</p> <p><i>Chase v. Chase</i> (1944) S.A.S.R. 35</p> <p><i>Gardner v. Gardner</i> (1944) S.A.S.R. 56</p> <p><i>Chapman v. Chapman and Holmes</i> (1946) S.A.S.R. 217; 21 A.L.J. 275</p> <p><i>Telley v. Telley</i> (1949) S.A.S.R. 66</p> <p><i>Zarnke v. Zarnke</i> (1950) 81 C.L.R. 572; 24 A.L.J. 382, reversing <i>Zarnke v. Zarnke</i> (1949) S.A.S.R. 235</p> <p><i>Buswell v. Buswell</i> (1954) S.A.S.R. 71</p> <p><i>Laube v. Laube</i> (1955) S.A.S.R. 154</p> <p><i>Robilliard v. Robilliard</i> (1955) S.A.S.R. 88</p> <p><i>Viant v. Viant and another</i> (1955) 94 C.L.R. 347, affirming <i>Viant v. Viant and Richardson</i> (1955) S.A.S.R. 146</p> <p><i>Davenport v. Davenport</i> (1960) S.A.S.R. 115</p> <p><i>Jacobs v. Jacobs and Summers</i> (1960) S.A.S.R. 296</p> <p>s. 13. <i>Edwards v. Edwards and Elsegood</i> (1947) S.A.S.R. 258</p> <p><i>Brooksby v. Brooksby</i> (1947) S.A.S.R. 432</p> <p><i>Biddle v. Biddle</i> (1949) S.A.S.R. 317</p> <p>s. 14. <i>Barber v. Barber and Greenfield</i> (1938) S.A.S.R. 103</p> <p><i>Hocking v. Hocking</i> (1944) S.A.S.R. 1</p> <p>s. 15. Amended by No. 51, s. 6, 1941, p. 247</p> <p><i>Harris v. Harris and Dayman</i> (1937) S.A.S.R. 512</p> <p><i>Stuart v. Stuart and Hargreaves</i> (1941) S.A.S.R. 116</p> <p><i>Davis v. Davis and Sach</i> (1944) S.A.S.R. 250</p> <p><i>Freer v. Freer and Critchley</i> (1945) S.A.S.R. 13</p> <p><i>Spoehr v. Spoehr</i> (1957) S.A.S.R. 70</p>

Act Affected.	How Affected.
Matrimonial Causes Act, 1929-1935 (Vol. 5, p. 693)— <i>continued</i> .	s. 16. Amended by No. 51, s. 7, 1941, p. 247
	<i>Stuart v. Stuart and Hargreaves</i> (1941) S.A.S.R. 116
	<i>Millard v. Millard</i> (1941) S.A.S.R. 283
	s. 16a. Enacted by No. 51, s. 8, 1941, p. 247
	<i>Martin v. Martin and Topham</i> (1942) S.A.S.R. 235
	<i>Read v. Read</i> (1948) S.A.S.R. 252; 22 A.L.J. 276
	<i>Driver v. Driver</i> (1950) S.A.S.R. 8; 24 A.L.J. 170
	<i>Nancarrow v. Nancarrow</i> (1954) S.A.S.R. 346
	s. 17. Substituted by No. 51, s. 9, 1941, p. 247
	<i>Owens v. Owens</i> (1944) S.A.S.R. 154; 19 A.L.J. 17
	s. 20. <i>Bolitho v. Bolitho and Savage</i> (1959) S.A.S.R. 292
	s. 21. <i>Allen v. Allen</i> (1942) S.A.S.R. 257
	s. 22. <i>Ayres v. Ayres and Lehmann</i> (1942) S.A.S.R. 910
	<i>Page v. Page</i> (1958) S.A.S.R. 243
	<i>Buhlman v Buhlman</i> (1958) S.A.S.R. 277
	<i>Vrska v. Vrska and Krutsky</i> (1960) S.A.S.R. 74
	s. 30. <i>Wilkinson v. Wilkinson</i> (1944) S.A.S.R. 239
	<i>Wedd v. Wedd</i> (1948) S.A.S.R. 104
	<i>In re G. and D (Infants)</i> (1954) S.A.S.R. 40
	<i>A. v. A.</i> (1957) S.A.S.R., 144
	s. 32. <i>Viles v. Viles</i> (1938) S.A.S.R. 148
	<i>Kallin v. Kallin</i> (1944) S.A.S.R. 73
	<i>Burney v. Burney</i> (1956) S.A.S.R. 171
	<i>L. v. N.</i> (falsely called L.) (1958) S.A.S.R. 360
	s. 33. <i>Gray v. Gray</i> (1937) S.A.S.R. 181
	<i>Clark v. Clark</i> (1952) S.A.S.R. 122
	s. 34. <i>King v. King</i> (1940) S.A.S.R. 214
	s. 37. <i>Hocking v. Hocking</i> (1959) S.A.S.R. 1
	s. 39a. Enacted by No. 2428 s. 3 (2), 1938, p. 279
	s. 39b. Enacted by No. 51, s. 10, 1941, p. 248
	<i>Repaski v. Repaski</i> (1946) S.A.S.R. 74
	<i>Beck v. Beck</i> (1946) S.A.S.R. 309
	<i>Kaneckis v. Kaneckis</i> (1954) S.A.S.R. 56
	s. 43. <i>Milde v. Milde</i> (1938) S.A.S.R. 168
	<i>Moscovitch v. Moscovitch</i> (1939) S.A.S.R. 359
	<i>Daws v. Daws</i> (1941) S.A.S.R. 186
	<i>Groves v. Groves</i> (1944) S.A.S.R. 187
	<i>Beck v. Beck</i> (1946) S.A.S.R. 309
	<i>Gibbins v. Gibbins</i> (1948) S.A.S.R. 267; 22 A.L.J. 478
	<i>Mericka v. Mericka</i> (1954) S.A.S.R. 74
	s. 43a. Enacted by No. 51, s. 11, 1941, p. 248
	<i>Sorbello v. Sorbello</i> (1943) S.A.S.R. 201
<i>Dunn v. Dunn</i> (1951) S.A.S.R. 14	
s. 43b. Enacted by No. 51, s. 11, 1941, p. 248	
Second schedule, rule 16. <i>Allen v. Allen</i> (1942) S.A.S.R. 257	
Second schedule, rule 19. <i>Gripton v. Gripton</i> (1945) S.A.S.R. 149	
Second schedule, rule 24. <i>Henderson v. Henderson and Benger</i> (1937) S.A.S.R. 68	
Second schedule, rule 25. <i>Edwards v. Edwards and Elsegood</i> (1947) S.A.S.R. 258	
Second schedule, rules 38-44. <i>Teakle v. Teakle and Bonnett</i> (1940) S.A.S.R. 113	
affirming <i>Dyer v. Dyer and Collins</i> (1947) S.A.S.R. 117	
affirming <i>Dyer v. Dyer and Collins</i> (1946) S.A.S.R. 28.	
<i>Moody v. Moody</i> (1950) S.A.S.R. 167	
Second schedule, rule 47. <i>Ford v. Ford and Moodie</i> (1936) S.A.S.R. 463	
Second schedule, rule 59. <i>Durdin v. Durdin</i> (1956) S.A.S.R. 128	
Second schedule, rule 73. <i>Spehr v. Spehr</i> (1941) S.A.S.R. 261	
Second schedule, rule 91. <i>Conaghty v. Conaghty</i> (1952) S.A.S.R. 186	
<i>Durdin v. Durdin</i> (1956) S.A.S.R. 128	

Act Affected.	How Affected.
Medical Practitioners Act, 1919-1935 (Vol. 5, p. 729)	<p>s. 19. Amended by No. 41, s. 3, 1946, p. 186, by No. 42, s. 3, 1950, p. 119, and by No. 41, s. 3, 1955 p. 121</p> <p>s. 22 Amended by No. 5, s. 3, 1954, p. 11</p> <p>s. 23. Amended by No. 5, s. 4, 1954, p. 12</p> <p>s. 24. Amended by No. 5, s. 5, 1954, p. 12</p> <p>s. 24a. Enacted by No. 42, s. 4, 1950, p. 120</p> <p>s. 26. Amended by No. 41, s. 4, 1946, p. 187</p> <p><i>In re Robson</i> (1952) S.A.S.R. 101</p> <p><i>In re Frederick</i> (1957) S.A.S.R., 149</p> <p><i>In re Texler</i> (1957) S.A.S.R. 258</p> <p><i>Hoile v. The Medical Board of South Australia</i> (1960) 104 C.L.R. 157; 34 A.L.J.R. 62, affirming</p> <p><i>In re Hoile</i> (1959) S.A.S.R. 270</p> <p>s. 30a. Enacted by No. 41, s. 4, 1955, p. 122</p> <p>s. 35. <i>Becker v. Miller</i> (1936) S.A.S.R. 125. Leave to appeal to the High Court refused, 57 C.L.R. 780 (note)</p> <p><i>Lewis v. Crafster. Cavendish Laboratories (Australia) Limited v. Crafster</i> (1942) S.A.S.R. 30</p> <p><i>Mayo v. Harris</i> (1945) S.A.S.R. 151, reversing</p> <p><i>Mayo v. Harris</i> (1945) S.A.S.R. 71</p> <p><i>Ridland v. Amburlah</i> (1956) S.A.S.R. 118</p>
Mental Health Act, 1935-1936 (Vol. 5, p. 746)	<p>This Act, as amended by No. 4, 1939, p. 12, No. 31, 1939, p. 181, No. 42, 1941, p. 179, No. 14, 1945, p. 49, No. 40, 1950, p. 116, and No. 53, 1953, p. 155, and with notes of judicial decisions, is reprinted in the 1953 volume, p. 205. <i>See also</i> the following paragraph</p>
Mental Health Act, 1935-1953 (1953, p. 205)	<p>s. 1. Amended by No. 51, s. 3, 1958, p. 191</p> <p>s. 2a. Enacted by No. 51, s. 4, 1958, p. 191</p> <p>s. 3. Amended by No. 28, s. 3, 1962, p. 73</p> <p>s. 11a. Enacted by No. 29, s. 3, 1962, p. 76</p> <p>s. 11b. Renumbered by No. 29, s. 4, 1962, p. 76</p> <p>s. 20. Repealed by No. 35, s. 3 (1), 1960, p. 102</p> <p>s. 33. Amended by No. 51, s. 5, 1958, p. 192</p> <p>s. 37. Amended by No. 51, s. 6, 1958, p. 192</p> <p>s. 37a. Enacted by No. 51, s. 7, 1958, p. 192 and amended by No. 32, s. 3, 1961, p. 85</p> <p>s. 46. Amended by No. 51, s. 8, 1958, p. 192</p> <p>s. 48. Amended by No. 51, s. 9, 1958, p. 192</p> <p>s. 49. Amended by No. 51, s. 10, 1958, p. 193</p> <p>s. 76. Amended by No. 28, s. 4, 1962, p. 73</p> <p>s. 98. Amended by No. 51, s. 11, 1958, p. 193, by No. 35, s. 3, 1959, p. 111, and by No. 28, s. 5, 1962, p. 73</p> <p>s. 111. Amended by No. 35, s. 4, 1959, p. 111</p> <p>s. 117a. Enacted by No. 35, s. 5, 1959, p. 112</p> <p>Heading to s. 137. Substituted by No. 28, s. 6, 1962, p. 74</p> <p>s. 137. Substituted by No. 28, s. 7, 1962, p. 74</p> <p>ss. 138 to 145. Repealed by No. 28, s. 7, 1962, p. 74</p> <p>s. 153c. Amended by No. 28, s. 8, 1962, p. 74</p> <p>s. 160. <i>Rosey v. Lipson</i> (1958) S.A.S.R. 41</p>
Metropolitan and Export Abattoirs Act, 1936 (Vol. 6, p. 23)	<p>s. 3. <i>Williams and another v. Metropolitan and Export Abattoirs Board and others</i> 89 C.L.R. 66; 27 A.L.J. 636</p> <p>s. 7. Amended by No. 43, s. 3, 1945, p. 207, and by No. 20, s. 4, 1956, p. 50</p> <p>s. 10. Substituted by No. 43, s. 4, 1945, p. 207 and amended by No. 17, s. 2, 1948, p. 96, and by No. 58, s. 2, 1954, p. 178</p> <p>s. 11. Substituted by No. 43, s. 4, 1945, p. 209, and amended by No. 17, s. 4, 1948, p. 97</p> <p>s. 13. Repealed by No. 43, s. 5, 1945, p. 209</p> <p>s. 17. Repealed by No. 43, s. 5, 1945, p. 209</p> <p>s. 18. Repealed by No. 43, s. 5, 1945, p. 209</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Metropolitan and Export Abattoirs Act, 1936 (Vol. 6, p. 23)— <i>continued</i> .	<p>s. 34. Amended by No. 15, s. 2, 1957, p. 41 s. 35. Repealed by No. 15, s. 3, 1957, p. 42 s. 41. Amended by No. 2373, s. 3, 1937, p. 116 s. 43. Amended by No. 43, s. 6, 1945, p. 209 s. 45. Amended by No. 43, s. 7, 1945, p. 209 s. 50. Amended by No. 17, s. 5 (1), 1948, p. 98 s. 50a. Enacted by No. 17, s. 4, 1948, p. 97 s. 52a. Enacted by No. 2373, s. 4, 1937, p. 116 <i>O'Sullivan v. Noarlunga Meat Ltd.</i> (1957) A.C. 1; (1956) 95 C.L.R. 177; 30 A.L.J. 268, affirming <i>O'Sullivan v. Noarlunga Meat Ltd.</i>, 92 C.L.R. 565; 28 A.L.J. 535 s. 59a. Enacted by No. 2373, s. 5, 1937, p. 117 s. 65a. Enacted by No. 2373, s. 6, 1937, p. 118 s. 67. Amended by No. 24, s. 2, 1952, p. 57 s. 70. <i>Williams and another v. Metropolitan and Export Abattoirs Board and others</i> 89 C.L.R.66; 27 A.L.J. 636 s. 70a. Enacted by No. 10, s. 3, 1962, p. 30 s. 71. Repealed by No. 43, s. 8, 1945, p. 209 s. 72. Amended by No. 43, s. 8, 1945, p. 209 s. 76. Amended by No. 17, s. 6, 1948, p. 98 s. 77. Substituted by No. 2373, s. 7, 1937, p. 118 s. 77a. Enacted by No. 2373, s. 7, 1937, p. 119 s. 78. Amended by No. 48, s. 3, 1955, p. 148 s. 78a. Enacted by No. 43, s. 10, 1945, p. 210 s. 78b. Enacted by No. 48, s. 4, 1955, p. 149 s. 78c. Enacted by No. 48, s. 4, 1955, p. 150 s. 78d. Enacted by No. 10, s. 2, 1958, p. 21 s. 79. Amended by No. 17, s. 5 (2), 1948, p. 98 s. 85. Amended by No. 24, s. 3, 1952, p. 58 s. 86. Amended by No. 2373, s. 8, 1937, p. 120 and by No. 24, s. 4, 1952, p. 58 s. 87. Amended by No. 2373, s. 9, 1937, p. 120 s. 95. Amended by No. 10, s. 4, 1962, p. 31 s. 96a. Enacted by No. 43, s. 11, 1945, p. 211 s. 96b. Enacted by No. 43, s. 11, 1945, p. 211 Heading to Part VII. Amended by No. 43, s. 12 1945, p. 211 s. 109. Amended by No. 17, s. 5 (3), 1948, p. 98 s. 109a. Enacted by No. 43, s. 13, 1945, p. 211 s. 112. Amended by No. 43, s. 14, 1945, p. 212 s. 114. <i>In re Metropolitan and Export Abattoirs ex parte Love and others</i> (1944) S.A.S.R. 138</p>
Metropolitan Milk Supply Act, 1946 (1946, p. 188)	<p>s. 3. Amended by No. 19, s. 4, 1957, p. 47 s. 24. Amended by No. 25, s. 3, 1948, p. 122 s. 28a. Enacted by No. 19, s. 5, 1957, p. 48 s. 32. Amended by No. 23, s. 3, 1955, p. 77 s. 37a. Enacted by No. 32, s. 3, 1956, p. 81 s. 39. Substituted by No. 25, s. 4, 1948, p. 122 s. 42. Amended by No. 25, s. 5, 1948, p. 122 s. 43. Substituted by No. 27, s. 3, 1950, p. 76 s. 43a. Enacted by No. 27, s. 3, 1950, p. 77 s. 45a. Enacted by No. 23, s. 4, 1955, p. 78 s. 46a. Enacted by No. 23, s. 5, 1955, p. 79</p>
Metropolitan Taxi-Cab Act, 1956 (1956, p. 83)	<p>s. 34. Substituted by No. 25, s. 3, 1957, p. 62 s. 35. Amended by No. 25, s. 4, 1957, p. 63 <i>O'Sullivan v. Hannagan</i> (1960) S.A.S.R. 266 s. 36. Substituted by No. 25, s. 5, 1957, p. 63 s. 37a. Enacted by No. 25, s. 6, 1957, p. 64</p>
Metropolitan Transport Advisory Council Act, 1954 (1954, p. 180)	<p>s. 5. Amended by No. 38, s. 3, 1957, p. 104, and by No. 6, s. 3, 1960, p. 19 s. 14. Amended by No. 38, s. 4, 1957, p. 105, and by No. 6, s. 4, 1960, p. 19</p>

Act Affected.	How Affected.
Mines and Works Inspection Act, 1920-1935 (Vol. 6, p. 102)	s. 4. Amended by No. 21, s. 3, 1962, p. 52 s. 10. Amended by No. 25, s. 3, 1955, p. 83 s. 11. Amended by No. 25, s. 4, 1955, p. 84 s. 18. Amended by No. 25, s. 5, 1955, p. 84 s. 19. Amended by No. 25, s. 6, 1955, p. 84
Mining Act, 1930-1931 (Vol. 6, p. 116) ..	This Act, as amended by No. 2004, 1931 (Vol. 6, p.161), No. 58, 1940, p. 234, No. 15, 1941, p. 49, No. 15, 1945, p. 53, No. 11, 1946, p. 39, No. 25, 1950, p. 72, and No. 36, 1951, p. 81, and with notes of judicial decisions, is reprinted in the 1952 volume, p. 193. <i>See also</i> the following paragraph
Mining Act, 1930-1951 (1952, p. 193)	s. 4. Amended by No. 40, s. 3, 1953, p. 116 s. 23a. Amended by No. 21, s. 3, 1958, p. 62 s. 23b. Enacted by No. 40, s. 4, 1953, p. 117 and amended by No. 30, s. 3, 1962, p. 78 s. 23c. Enacted by No. 40, s. 4, 1953, p. 117 s. 23d. Enacted by No. 40, s. 4, 1953, p. 118 and amended by No. 30, s. 4, 1962, p. 78 s. 27. Amended by No. 40, s. 5, 1953, p. 118 s. 32. Amended by No. 21, s. 4, 1958, p. 63 s. 39e. Enacted by No. 21, s. 5, 1958, p. 63 s. 41. Substituted by No. 21, s. 6, 1958, p. 63 s. 41a. Enacted by No. 30, s. 5, 1962, p. 79 s. 53. Amended by No. 30, s. 6, 1962, p. 79 s. 56. Amended by No. 30, s. 7, 1962, p. 79 s. 69a. Amended by No. 30, s. 8, 1962, p. 79 s. 69e. Amended by No. 40, s. 6, 1953, p. 118 s. 69f. Substituted by No. 40, s. 7, 1953, p. 118 s. 69h. Amended by No. 40, s. 8, 1953, p. 119 s. 110a. Enacted by No. 39, s. 3, 1955, p. 116 s. 111a. Amended by No. 39, s. 4, 1955, p. 117 s. 111b. Substituted by No. 39, s. 5, 1955, p. 117 s. 111ba. Enacted by No. 39, s. 6, 1955, p. 118 s. 111f. Amended by No. 39, s. 7, 1955, p. 119 s. 125a. Enacted by No. 40, s. 9, 1953, p. 119 s. 133. Amended by No. 30, s. 9, 1962, p. 80 Fifth schedule. Amended by No. 40, s. 10, 1953, p. 120 Sixth schedule. Repealed by No. 40, s. 11, 1953, p. 120
Mining Act Amendment Act, 1931 (Vol. 6, p. 161)	s. 12. Repealed by No. 15, s. 2, 1941, p. 49
Mining (Petroleum) Act, 1940 (1940, p. 234)	s. 6. Amended by No. 16, s. 3, 1958, p. 36 s. 7. Amended by No. 16, s. 4, 1958, p. 37 s. 8. Amended by No. 16, s. 5, 1958, p. 37 s. 8a. Enacted by No. 16, s. 6, 1958, p. 37 s. 9. Amended by No. 16, s. 7, 1958, p. 37 s. 12. Amended by No. 16, s. 8, 1958, p. 37 s. 16. Amended by No. 16, s. 9, 1958, p. 37 s. 17. Amended by No. 16, s. 10, 1958, p. 38 s. 18. Amended by No. 16, s. 11, 1958, p. 38 s. 21. Substituted by No. 16, s. 12, 1958, p. 38 s. 22. Repealed by No. 16, s. 13, 1958, p. 38 s. 23. Amended by No. 16, s. 14, 1958, p. 38 s. 27. Substituted by No. 16, s. 15, 1958, p. 39 s. 29. Repealed by No. 16, s. 16, 1958, p. 39 s. 30. Amended by No. 16, s. 17, 1958, p. 39 s. 38. Amended by No. 16, s. 18, 1958, p. 39 s. 40. Amended by No. 16, s. 19, 1958, p. 39 s. 42. Amended by No. 16, s. 20, 1958, p. 40 s. 56. Amended by No. 16, s. 21, 1958, p. 40
Money Lenders' Act, 1940 (1940, p. 265)	s. 7. Amended by No. 26, s. 3, 1960, p. 66 s. 10. Amended by No. 26, s. 4, 1960, p. 66 s. 40. Repealed by No. 69, s. 1 (3), 1960, p. 262

Table of Amendments and Cases.

Act Affected.	How Affected.
Mortgagors Relief Act, 1931-1936 (Vol. 6, p. 215)	<p>s. 3. Amended by No. 20, s. 2, 1940, p. 54, and by No. 25, s. 2, 1943, p. 63</p> <p>s. 5. Amended by No. 20, s. 3, 1940, p. 55, by No. 14, s. 3, 1941, p. 47, and by No. 25, s. 4, 1943, p. 63</p> <p>s. 5a. Amended by No. 20, s. 4, 1940, p. 55, by No. 14, s. 4, 1941, p. 48, and by No. 25, s. 4, 1943, p. 64</p> <p>s. 6. <i>Peels Limited v. Adelaide Oil Exploration Company Limited</i> (1937) S.A.S.R. 154</p> <p>s. 8. Amended by No. 20, s. 5, 1940, p. 55, by No. 14, s. 5, 1941, p. 48, and by No. 25, s. 5, 1943, p. 64</p> <p>s. 9. Amended by No. 20, s. 6, 1940, p. 55, by No. 14, s. 6, 1941, p. 48, and by No. 25, s. 6, 1943, p. 64</p> <p>s. 12. Amended by No. 20, s. 7, 1940, p. 55, by No. 14, s. 7, 1941, p. 48, and by No. 25, s. 7, 1943, p. 64</p>
Motor Vehicles Act, 1959 (1959, p. 203)	<p>s. 4. Amended by No. 33, s. 4, 1961, p. 86</p> <p>s. 5. Amended by No. 33, s. 5, 1961, p. 87</p> <p>s. 9. <i>Pioneer Express Proprietary Limited and another v. The State of South Australia</i> (1958) 99 C.L.R. 227 <i>Schwerdt v. Telford</i> (1960) S.A.S.R. 41</p> <p>s. 12. Amended by No. 49, s. 3, 1962, p. 155</p> <p>s. 26. Amended by No. 33, s. 6, 1962, p. 87 and by No. 17, s. 3, 1962, p. 43</p> <p>s. 33a. Enacted by No. 33, s. 7, 1961, p. 87</p> <p>s. 48. Amended by No. 17, s. 4, 1962, p. 44</p> <p>s. 54. Amended by No. 33, s. 8, 1961, p. 88</p> <p>s. 55. Amended by No. 33, s. 9, 1961, p. 88</p> <p>s. 72. Substituted by No. 55, s. 4, 1960, p. 216</p> <p>s. 74. Amended by No. 55, s. 5, 1960, p. 217</p> <p>s. 75a. Enacted by No. 55, s. 6, 1960, p. 217</p> <p>s. 76. Amended by No. 55, s. 7, 1960, p. 218</p> <p>s. 77. Amended by No. 55, s. 8, 1960, p. 218</p> <p>s. 78. Amended by No. 55, s. 9, 1960, p. 218</p> <p>s. 79. Amended by No. 55, s. 10, 1960, p. 218</p> <p>s. 79a. Enacted by No. 55, s. 11, 1960, p. 219</p> <p>s. 80. Amended by No. 55, s. 12, 1960, p. 219</p> <p>s. 81. Amended by No. 55, s. 13, 1960, p. 219</p> <p>s. 83. Amended by No. 55, s. 14, 1960, p. 219, and by No. 33, s. 10, 1961, p. 88</p> <p>s. 85. Substituted by No. 55, s. 15, 1960, p. 219</p> <p>s. 86. Amended by No. 55, s. 16, 1960, p. 220</p> <p>s. 91. <i>Smith v. Manno</i> (1961) S.A.S.R. 17</p> <p>s. 93a. Enacted by No. 33, s. 11, 1961, p. 88 and amended by No. 17, s. 5, 1962, p. 44</p> <p>s. 102. <i>Polst v. Giffen</i> (1960) S.A.S.R. 155 <i>Murphy v. Cusack</i> (1961) S.A.S.R. 25</p> <p>s. 104. Amended by No. 16, s. 4 (1), 1960, p. 40</p> <p>s. 112. Amended by No. 16, s. 4 (1), 1960, p. 40</p> <p>s. 113. Amended by No. 16, s. 4 (1), 1960, p. 40 and by No. 17, s. 6, 1962, p. 44</p> <p>s. 115. <i>Hanton v. Wadlow Limited and Miller</i> (1960) S.A.S.R. 94 <i>Maney v. Miller</i> (1962) S.A.S.R. 23</p> <p>s. 118. Amended by No. 16, s. 5, 1960, p. 41</p> <p>s. 118a. Enacted by No. 49, s. 4, 1962, p. 155</p> <p>s. 119. Amended by No. 49, s. 5, 1962, p. 158</p> <p>s. 120. Amended by No. 49, s. 6, 1962, p. 158</p> <p>s. 141. Amended by No. 16, s. 7, 1960, p. 41</p> <p>Second schedule. Amended by No. 16, s. 6 (1), 1960, p. 41</p>
The Municipal Tramways Trust Act, 1935 (Vol. 6, p. 227)	<p>s. 5. Amended by No. 16, s. 4, 1952, p. 33</p> <p>s. 8. Substituted by No. 16, s. 5, 1952, p. 34</p> <p>s. 9. Substituted by No. 16, s. 5, 1952, p. 34</p> <p>s. 10. Substituted by No. 16, s. 5, 1952, p. 34</p> <p>ss. 11 to 15. Repealed by No. 16, s. 5, 1952, p. 34</p> <p>s. 17. Amended by No. 60, s. 4, 1940, p. 302</p> <p>s. 21. Amended by No. 16, s. 6, 1952, p. 34</p> <p>s. 23. Amended by No. 16, s. 7, 1952, p. 34</p>

Act Affected.	How Affected.
The Municipal Tramways Trust Act, 1935 (Vol. 6, p. 227)— <i>continued.</i>	<p>s. 26. Amended by No. 60, s. 5, 1940, p. 302, and by No. 16, s. 8, 1952, p. 35</p> <p>s. 26a. Enacted by No. 16, s. 9, 1952, p. 35</p> <p>s. 26b. Enacted by No. 16, s. 9, 1952, p. 36</p> <p>s. 30. Amended by No. 16, s. 10, 1952, p. 36</p> <p>s. 32. Amended by No. 16, s. 11, 1952, p. 36</p> <p>s. 35. Substituted by No. 47, s. 2, 1949, p. 160</p> <p>s. 36. Substituted by No. 47, s. 2, 1949, p. 161</p> <p>s. 37. Substituted by No. 47, s. 2, 1949, p. 161</p> <p>ss. 38 to 41. Repealed by No. 47, s. 2, 1949, p. 160</p> <p>s. 43a. Enacted by No. 16, s. 12, 1952, p. 36</p> <p>s. 68. <i>Henwood and another v. The Municipal Tramways Trust</i> (1938) 60 C.L.R. 438; 12 A.L.J. 101, reversing <i>Henwood and another v. The Municipal Tramways Trust</i> (1937) S.A.S.R. 390</p> <p>s. 86a. Enacted by No. 2366, s. 2, 1937, p. 98</p> <p>s. 86b. Enacted by No. 2366, s. 2, 1937, p. 99</p> <p>s. 94. Amended by No. 16, s. 13, 1952, p. 36</p>
The National Park and Wild Life Reserves Act, 1891-1935 (Vol. 6, p. 273)	<p>Long title. Amended by No. 35, s. 3, 1955, p. 106</p> <p>Preamble. Amended by No. 35, s. 4, 1955, p. 106</p> <p>s. 2. Amended by No. 35, s. 5, 1955, p. 107, and by No. 56, s. 3, 1960, p. 221</p> <p>s. 4a. Enacted by No. 35, s. 6, 1955, p. 107</p> <p>s. 5. Amended by No. 35, s. 7, 1955, p. 107</p> <p>s. 7. Amended by No. 35, s. 8, 1955, p. 107, and by No. 56, s. 4, 1960, p. 222</p> <p>s. 7a. Enacted by No. 56, s. 5, 1960, p. 222</p> <p>s. 8. Amended by No. 35, s. 9, 1955, p. 107 and by No. 56, s. 6, 1960, p. 223</p> <p>s. 9. Amended by No. 35, s. 10, 1955, p. 107</p> <p>s. 12. Amended by No. 35, s. 11, 1955, p. 107</p> <p>s. 13. Amended by No. 35, s. 12, 1955, p. 108</p> <p>s. 13a. Enacted by No. 35, s. 13, 1955, p. 108</p> <p>s. 14. Amended by No. 35, s. 14, 1955, p. 108</p> <p>s. 15a. Amended by No. 35, s. 15, 1955, p. 108</p> <p>s. 15b. Amended by No. 35, s. 16, 1955, p. 108</p>
National Pleasure Resorts Act, 1914-1935 (Vol. 6, p. 279)	<p>s. 17. Amended by No. 57, s. 3, 1960, p. 224</p> <p>s. 21. Amended by No. 57, s. 4, 1960, p. 225</p>
Noxious Insects Act, 1934 (Vol. 6, p. 315)	<p>s. 6a. Enacted by No. 15, s. 3, 1955, p. 51</p> <p>s. 6b. Enacted by No. 15, s. 3, 1955, p. 52</p> <p>s. 11. Amended by No. 15, s. 4, 1955, p. 52</p>
Noxious Trades Act, 1943 (1943, p. 96)	<p>s. 9. Amended by No. 38, s. 2, 1955, p. 114</p> <p>s. 10. Amended by No. 38, s. 3, 1955, p. 114</p> <p>s. 12a. Enacted by No. 38, s. 4, 1955, p. 115</p>
Nurses Registration Act, 1920-1934 (Vol. 6, p. 340)	<p>s. 4. Amended by No. 60, s. 3, 1954, p. 184 and by No. 23, s. 3, 1959, p. 61</p> <p>s. 5. Amended by No. 43, s. 3, 1956, p. 122, and by No. 58, s. 4, 1960, p. 226</p> <p>s. 8. Amended by No. 43, s. 4, 1956, p. 122, and by No. 58, s. 5, 1960, p. 227</p> <p>s. 10a. Enacted by No. 17, s. 3, 1958, p. 41</p> <p>s. 15. Amended by No. 60, s. 4, 1954, p. 185</p> <p>s. 17. Amended by No. 58, s. 6, 1960, p. 227</p> <p>s. 19. Amended by No. 58, s. 7, 1960, p. 227</p> <p>s. 20. Amended by No. 58, s. 8, 1960, p. 227</p> <p>s. 21. Amended by No. 57, s. 3, 1949, p. 210, by No. 43, s. 4, 1956, p. 123, and by No. 17, s. 4, 1958, p. 42</p> <p>s. 21a. Enacted by No. 2405, s. 2, 1938, p. 85</p> <p>s. 25. Amended by No. 43, s. 6, 1956, p. 123</p>

Act Affected.	How Affected.
Nurses Registration Act, 1920-1934 (Vol. 6, p. 340)— <i>continued</i> .	<p>s. 26. Substituted by No. 43, s. 7, 1956, p. 123, and amended by No. 58, s. 9, 1960, p. 228</p> <p>s. 27. Substituted by No. 43, s. 7, 1956, p. 121</p> <p>s. 28. Amended by No. 43, s. 8, 1956, p. 124</p> <p>s. 29. Amended by No. 43, s. 9, 1956, p. 124, and by No. 58, s. 10, 1960, p. 228</p> <p>s. 30a. Enacted by No. 60, s. 5, 1954, p. 185</p> <p>s. 30b. Enacted by No. 60, s. 5, 1954, p. 185, and amended by No. 58, s. 11, 1960, p. 228</p> <p>s. 33. Amended by No. 43, s. 10, 1956, p. 124</p> <p>s. 33a to 33d. Enacted by No. 60, s. 5, 1954, pp. 185, 186</p> <p>s. 33e. Enacted by No. 60, s. 5, 1954, p. 186 and amended by No. 43, s. 11, 1956, p. 124</p> <p>s. 33f. Enacted by No. 60, s. 5, 1954, p. 187 and amended by No. 43, s. 12, 1956, p. 125, and by No. 58, s. 12, 1960, p. 228</p> <p>s. 33g. Enacted by No. 60, s. 5, 1954, p. 188</p> <p>s. 33h. Enacted by No. 23, s. 4, 1959, p. 62</p> <p>s. 33i. Enacted by No. 23, s. 4, 1959, p. 62 and amended by No. 58, s. 13, 1960, p. 229</p> <p>s. 33j. Enacted by No. 23, s. 4, 1959, p. 62</p> <p>s. 33k. Enacted by No. 23, s. 4, 1959, p. 63 and amended by No. 58, s. 14, 1960, p. 229</p> <p>s. 33l. Enacted by No. 23, s. 4, 1959, p. 63</p> <p>s. 33m. Enacted by No. 23, s. 4, 1959, p. 63 and amended by No. 58, s. 15, 1960, p. 229</p> <p>s. 33n. Enacted by No. 23, s. 4, 1959, p. 1</p> <p>s. 38. Amended by No. 60, s. 6, 1954, p. 188, and by No. 23, s. 5, 1959, p. 65</p> <p>s. 39. Amended by No. 60, s. 7, 1954, p. 188, and by No. 23, s. 6, 1959, p. 65</p> <p>s. 39a. Enacted by No. 2405, s. 3, 1938, p. 86</p> <p>s. 40. Amended by No. 60, s. 8, 1954, p. 189, and by No. 23, s. 7, 1959, p. 65</p> <p>s. 42. Amended by No. 60, s. 9, 1954, p. 189, and by No. 23, s. 8, 1959, p. 65</p> <p>s. 44. Amended by No. 2405, s. 4, 1938, p. 86, by No. 60, s. 10, 1954, p. 189, by No. 43, s. 13, 1956, p. 125, and by No. 23, s. 9, 1959, p. 65</p> <p>s. 47. Amended by No. 60, s. 11, 1954, p. 190</p>
Offenders Probation Act, 1913-1934 (Vol. 6, p. 372)	<p>This Act, as amended by No. 25, 1945, p. 114, No. 29, 1951, p. 48 and No. 15, 1953, p. 31, and with notes of judicial decisions, is reprinted in the 1953 volume, p. 298</p>
Opticians Act, 1920-1935 (Vol. 6, p. 379)	<p>s. 19. Amended by No. 39, s. 2, 1949, p. 130</p> <p>s. 20. <i>Egarr v. Registrar of Board of Optical Registration</i> (1952) S.A.S.R. 163</p> <p>s. 23. Amended by No. 39, s. 3, 1949, p. 130</p> <p>s. 39. <i>Landers v. Board of Optical Registration</i> (1939) S.A.S.R. 393</p> <p>s. 46. <i>Landers v. Board of Optical Registration</i> (1939) S.A.S.R. 393</p> <p><i>Egarr v. Registrar of Board of Optical Registration</i> (1952) S.A.S.R. 163</p>
Parliamentary Superannuation Act, 1948 (1948, p. 61)	<p>s. 9. Amended by No. 46, s. 3, 1953, p. 133, by No. 45, s. 4, 1957, p. 124, and by No. 59, s. 3, 1960, p. 230</p> <p>s. 11. Amended by No. 33, s. 3, 1949, p. 114, and by No. 59, s. 4, 1960, p. 231</p> <p>s. 13. Substituted by No. 45, s. 5, 1957, p. 125, and amended by No. 59, s. 5, 1960, p. 232 and by No. 38, s. 3, 1962, p. 108</p> <p>s. 14. Amended by No. 33, s. 4, 1949, p. 114, and by No. 59, s. 6, 1960, p. 232</p>

Act Affected.	How Affected.
Parliamentary Superannuation Act, 1948 (1948 p. 61)—<i>continued</i>.	<p>s. 16. Amended by No. 46, s. 5, 1953, p. 134, and by No. 59, s. 7, 1960, p. 232</p> <p>s. 17. Amended by No. 46, s. 6, 1953, p. 135</p> <p>s. 19. Substituted by No. 45, s. 6, 1957, p. 126, and amended by No. 59, s. 8, 1960, p. 233 and by No. 38, s. 4, 1962, p. 109</p> <p>s. 19a. Enacted by No. 38, s. 5, 1962, p. 109</p> <p>s. 21. Amended by No. 33, s. 5, 1949, p. 116</p>
Pastoral Act, 1936 (Vol. 6, p. 414)	<p>s. 6. Amended by No. 34, s. 4, 1950, p. 101</p> <p>s. 7. Amended by No. 34, s. 2, 1950, p. 100 and by No. 5, s. 3, 1953, p. 13</p> <p>s. 34. Amended by No. 29, s. 3, 1944, p. 83</p> <p>s. 39. Amended by No. 29, s. 4, 1944, p. 83</p> <p>s. 40a. Enacted by No. 60, s. 3, 1960, p. 234</p> <p>s. 41. Amended by No. 22, s. 3, 1939, p. 116, and by No. 60, s. 4, 1960, p. 235</p> <p>s. 42. Amended by No. 60, s. 5, 1960, p. 235</p> <p>s. 43. Amended by No. 60, s. 6, 1960, p. 235</p> <p>s. 42a. Enacted by No. 22, s. 4, 1939, p. 116, and amended by No. 29, s. 5, 1944, p. 83, and by No. 34, s. 3, 1950, p. 101</p> <p>s. 42b. Enacted by No. 29, s. 6, 1944, p. 84</p> <p>s. 42c. Enacted by No. 29, s. 6, 1944, p. 84</p> <p>s. 44a. Enacted by No. 25, s. 14, 1939, p. 130</p> <p>s. 46a. Enacted by No. 60, s. 7, 1960, p. 235</p> <p>s. 48a. Enacted by No. 29, s. 7, 1944, p. 85</p> <p>s. 49. Amended by No. 22, ss. 5 and 6, 1939, p. 117, and by No. 60, s. 8, 1960, p. 237</p> <p>s. 51. Substituted by No. 29, s. 8, 1944, p. 85</p> <p>s. 54. Amended by No. 60, s. 9, 1960, p. 237</p> <p>s. 55. Amended by No. 60, s. 10, 1960, p. 237</p> <p>s. 56. Substituted by No. 60, s. 11, 1960, p. 237</p> <p>s. 57. Substituted by No. 29, s. 9, 1944, p. 86</p> <p>s. 59. Substituted by No. 60, s. 12, 1960, p. 238</p> <p>s. 60. Amended by No. 60, s. 13, 1960, p. 238</p> <p>s. 61a. Enacted by No. 22, s. 7, 1939, p. 117, and amended by No. 60, s. 14, 1960, p. 238</p> <p>s. 61b. Enacted by No. 60, s. 15, 1960, p. 240</p> <p>s. 62. Amended by No. 29, s. 10, 1944, p. 86</p> <p>s. 64. Amended by No. 29, s. 11, 1944, p. 86</p> <p>s. 66. Amended by No. 29, s. 12, 1944, p. 87</p> <p>s. 70. Amended by No. 29, s. 13, 1944, p. 87</p> <p>s. 81. Amended by No. 22, s. 8, 1939, p. 118, and by No. 29, s. 14, 1944, p. 87</p> <p>s. 86. Repealed by No. 29, s. 15, 1944, p. 87</p> <p>s. 88. Amended by No. 22, ss. 9 and 10, 1939, p. 118</p> <p>s. 88a. Enacted by No. 60, s. 16, 1960, p. 241</p> <p>s. 90. Amended by No. 22, s. 11, 1939, p. 118</p> <p>s. 93. Amended by No. 60, s. 17, 1960, p. 241</p> <p>s. 94. Amended by No. 22, s. 12, 1939, p. 119</p> <p>s. 95. Amended by No. 22, s. 13, 1939, p. 119, by No. 29, s. 16, 1944, p. 87, by No. 5, s. 4, 1953, p. 13, and by No. 18, s. 3, 1959, p. 45</p> <p>s. 96. Amended by No. 29, s. 17, 1944, p. 88</p> <p>s. 111. Amended by No. 60, s. 18, 1960, p. 241</p> <p>s. 112. Amended by No. 60, s. 19, 1960, p. 241</p> <p>ss. 115 and 116. Repealed by No. 22, s. 14, 1939, p. 119</p> <p>s. 128a. Enacted by No. 22, s. 15, 1939, p. 119</p> <p>s. 134. Amended by No. 34, s. 4, 1950, p. 101</p> <p>s. 134a. Enacted by No. 60, s. 20, 1960, p. 241</p> <p>s. 136. Amended by No. 22, s. 16, 1939, p. 120</p> <p>s. 137. Amended by No. 29, s. 18, 1944, p. 88</p> <p>s. 139. Repealed by No. 29, s. 19, 1944, p. 89</p> <p>s. 140a. Enacted by No. 31, s. 2, 1948, p. 143</p> <p>s. 141. Amended by No. 29, s. 20 (1), 1944, p. 89, and by No. 31, s. 2, 1948, p. 144</p> <p>s. 142. Amended by No. 29, s. 20 (2), 1944, p. 89</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Pastoral Act, 1936 (Vol. 6, p. 414)— <i>continued.</i>	s. 146. Amended by No. 29, s. 20 (3), 1944, p. 89 First schedule. Amended by No. 22, s. 17, 1939, p. 120 Fourth schedule. Enacted by No. 60, s. 21, 1960, p. 241
Pawnbrokers Act, 1888-1934 (Vol. 6, p. 464)	s. 45a. Enacted by No. 26, s. 2, 1950, p. 74 s. 54. Amended by No. 26, s. 3, 1950, p. 74 First schedule. Amended by No. 26, s. 4, 1950, p. 75
Payment of Members of Parliament Act, 1948 (1948, p. 68)	s. 4. Substituted by No. 52, s. 3, 1958, p. 194 and amended by No. 8, s. 5, 1960, p. 23 s. 5. Amended by No. 5, s. 4, 1951, p. 9, by No. 41, s. 3, 1953, p. 122, by No. 3, s. 8, 1955, p. 8, by No. 49, s. 3, 1957, p. 142, and by No. 8, s. 6, 1960, p. 24 s. 6. Amended by No. 52, s. 4, 1958, p. 195
Pharmacy Act, 1935-1936 (Vol. 6, p. 501)	s. 22. Amended by No. 34, s. 3, 1952, p. 100 s. 22a. Enacted by No. 27, s. 3, 1942, p. 77 and amended by No. 34, s. 4, 1952, p. 101 and by No. 42, s. 3, 1952, p. 121 s. 24. Substituted by No. 34, s. 5, 1952, p. 101 s. 26a. Enacted by No. 27, s. 4, 1942, p. 79 s. 26b. Enacted by No. 27, s. 4, 1942, p. 80 s. 26c. Enacted by No. 27, s. 4, 1942, p. 81 s. 26d. Enacted by No. 38, s. 3, 1947, p. 99 s. 26e. Enacted by No. 38, s. 3, 1947, p. 100 s. 26f. Enacted by No. 38, s. 3, 1947, p. 101 s. 30. Amended by No. 21, s. 3, 1951, p. 39 <i>Wright v. Edwards. Sauer v. Edwards</i> (1961) S.A.S.R. 267 s. 31. Amended by No. 27, s. 5, 1942, p. 81 s. 31a. Enacted by No. 27, s. 6, 1942, p. 82 s. 33a. Enacted by No. 2354, s. 2, 1937, p. 51 Fourth to sixth schedules. Repealed by No. 34, s. 6, 1952, p. 101
Phylloxera Act, 1936 (Vol. 6, p. 518) ..	s. 5. Amended by No. 2367, s. 2, 1937, p. 100, and by No. 26, s. 3, 1948, p. 124 s. 11. Amended by No. 26, s. 5, 1948, p. 125 s. 12. Repealed by No. 2367, s. 3, 1937, p. 100 s. 15. Amended by No. 26, s. 6, 1948, p. 125 s. 16. Substituted by No. 2367, s. 4, 1937, p. 101 s. 16a. Enacted by No. 26, s. 4, 1948, p. 124 s. 19a. Enacted by No. 26, s. 7, 1948, p. 125 s. 23. Amended by No. 26, s. 8, 1948, p. 126 s. 29a. Enacted by No. 2367, s. 5, 1937, p. 101 s. 30. Amended by No. 26, s. 9, 1948, p. 126 s. 35. Amended by No. 26, s. 10, 1948, p. 126 s. 38. Amended by No. 26, s. 11, 1948, p. 126 s. 38a. Enacted by No. 26, s. 12, 1948, p. 127 s. 43. Amended by No. 26, s. 12, 1948, p. 127 s. 49. Substituted by No. 26, s. 14, 1948, p. 128 s. 50. Amended by No. 26, s. 15, 1948, p. 128 s. 53. Repealed by No. 26, s. 16, 1948, p. 128 s. 56. Repealed by No. 26, s. 17, 1948, p. 128
Physiotherapists Act, 1945 (1945, p. 166)	s. 6. Amended by No. 53, s. 3, 1948, p. 228 s. 8a. Enacted by No. 34, s. 3, 1949, p. 116 s. 29. Amended by No. 13, s. 3, 1955, p. 44 s. 32. Substituted by No. 13, s. 4, 1955, p. 45 <i>In re Ward</i> (1953) S.A.S.R. 308 ss. 32a. to 32c. Enacted by No. 13, s. 4, 1955, p. 46 s. 38. Amended by No. 43, s. 2, 1946, p. 205, and by No. 53, s. 4, 1948, p. 229 s. 44a. Enacted by No. 13, s. 5, 1955, p. 46
Pistol Licence Act, 1929 (Vol. 6, p. 534)	s. 9. <i>Coghlan v. Fleetwood</i> (1951) S.A.S.R. 76

Act Affected.	How Affected.
The Places of Public Entertainment Act, 1913-1934 (Vol. 6, p. 541)	s. 3. Amended by No. 18, s. 3, 1954, p. 44 s. 7. Amended by No. 18, s. 4, 1954, p. 44 s. 13. Amended by No. 18, s. 5, 1954, p. 45 s. 20. Amended by No. 18, s. 6, 1954, p. 46 s. 25a. Enacted by No. 18, s. 7, 1954, p. 46 s. 28. Amended by No. 40, s. 3, 1955, p. 120 Second schedule. Amended by No. 18, s. 8, 1954, p. 47
Police Act, 1936 (Vol. 6, p. 557)	Headings to Parts, II, III, IV, V, and VI, repealed by No. 54, s. 3 (2), 1953, p. 167 s. 2. Amended by No. 54, s. 3 (2), 1952, p. 167 ss. 5 to 20. Repealed by No. 54, s. 3 (1), 1952, p. 167 s. 21. Repealed by No. 55, s. 3, 1953, p. 163 ss. 22 to 43. Repealed by No. 54, s. 3 (1), 1952, p. 167 ss. 44 to 55. Repealed by No. 2399, s. 3, 1938, p. 64 ss. 56 to 134. Repealed by No. 55, s. 3, 1953, p. 163 ss. 135 to 138. Repealed by No. 48, s. 13, 1953, p. 145 ss. 139 to 151. Repealed by No. 55, s. 3, 1953, p. 163 First schedule. Repealed by No. 2399, s. 3, 1938, p. 64
Police Offences Act, 1953 (1953, p. 163)	This Act, as amended by No. 51, 1956, p. 160, No. 39, 1957, p. 106, No. 22, 1958, p. 65, No. 1, 1960, p. 1, No. 61, 1960, p. 243, and No. 62, 1960, p. 245, and with notes of judicial decisions, is reprinted in the 1960 volume, p. 305. <i>See also</i> the following paragraph
Police Offences Act, 1953-1960 (1960, p. 305)	s. 17. <i>Page v. Turbill</i> (1962) S.A.S.R. 237 s. 18. <i>Wilson v. O'Sullivan</i> (1962) S.A.S.R. 194 <i>Mills v. Brebner</i> (1962) S.A.S.R. 209 s. 19. <i>Rosey v. Beard and Cameron</i> (1962) S.A.S.R. 150 s. 38a. Enacted by No. 45, s. 3, 1961, p. 167 s. 41. <i>Beard v. Brebner</i> (1962) S.A.S.R. 223 s. 58b. Enacted by No. 44, s. 3, 1961, p. 165
Police Pensions Act, 1954 (1954, p. 52)	s. 4. Amended by No. 44, s. 4, 1957, p. 117 s. 6. Amended by No. 30, s. 3, 1959, p. 83 s. 9. Substituted by No. 30, s. 4, 1959, p. 84 s. 10. Repealed by No. 30, s. 4, 1959, p. 84, and s. 11 reinserted as s. 10 by No. 30, s. 5, 1959, p. 84 s. 11. Enacted by No. 30, s. 6, 1959, p. 84 s. 14. Amended by No. 34, s. 4, 1956, p. 97, by No. 44, s. 5, 1957, p. 118, and by No. 36, s. 4, 1960, p. 104 s. 18a. Enacted by No. 44, s. 6, 1957, p. 119 s. 19. Amended by No. 44, s. 7, 1957, p. 119 s. 20. Amended by No. 44, s. 8, 1957, p. 119, and by No. 36, s. 5, 1960, p. 105 s. 21. Amended by No. 44, s. 9, 1957, p. 120, and by No. 36, s. 6, 1960, p. 106 s. 22. Amended by No. 44, s. 10, 1957, p. 120, and by No. 36, s. 7, 1960, p. 106 s. 29. Amended by No. 44, s. 11, 1957, p. 121, and by No. 36, s. 8, 1960, p. 106 s. 30a. Enacted by No. 34, s. 5, 1956, p. 98 s. 30b. Enacted by No. 44, s. 12, 1957, p. 121 s. 30c. Enacted by No. 36, s. 9, 1960, p. 106 s. 30d. Enacted by No. 36, s. 9, 1960, p. 107 s. 32. Amended by No. 43, s. 4, 1954, p. 120 s. 32a. Enacted by No. 44, s. 13, 1957, p. 122 s. 32b. Enacted by No. 36, s. 10, 1960, p. 180
Police Regulation Act, 1952 (1952, p. 167)	s. 8. Amended by No. 3, s. 9, 1955, p. 8, by No. 3, s. 4, 1957, p. 10, by No. 10, s. 5, 1959, p. 22, and by No. 20, s. 5, 1960, p. 57 s. 9. Substituted by No. 36, s. 4, 1955, p. 109 s. 9a. Enacted by No. 36, s. 4, 1955, p. 110
Poor Persons Legal Assistance Act, 1936 (Vol. 6, p. 640)	s. 6. <i>Hastings v. Hastings</i> (1939) S.A.S.R. 57

Table of Amendments and Cases.

Act Affected.	How Affected.
Prevention of Cruelty to Animals Act, 1936 (Vol. 6, p. 643)	s. 5. Amended by No. 37, s. 3, 1960, p. 109 <i>Martin v. Gibson</i> (1954) S.A.S.R. 29 s. 5a. Enacted by No. 44, s. 3, 1954, p. 121 s. 5b. Enacted by No. 37, s. 4, 1960, p. 110 s. 18. Repealed by No. 60, s. 2, 1949, p. 215 s. 26. Amended by No. 60, s. 3, 1949, p. 215
Prices Act, 1948 (1948, p. 3)	s. 3. Amended by No. 40, s. 3, 1949, p. 192 s. 21a. Enacted by No. 8, s. 3, 1952, p. 18 s. 24. <i>South Australian Cold Stores Ltd. v. Electricity Trust of South Australia</i> (1957) 98 C.L.R. 65: 31 A.L.J. 897 s. 25. <i>Annal v. Commonwealth Hostels Ltd.</i> (1958) S.A.S.R. 296 s. 44. <i>South Australian Cold Stores Ltd. v. Electricity Trust of South Australia</i> (1957) 98 C.L.R. 65: 31 A.L.J. 897 s. 47. Amended by No. 23, s. 3, 1951, p. 43 s. 47a. Enacted by No. 23, s. 4, 1951, p. 43 s. 53. Amended by No. 40, s. 4, 1949, p. 132, by No. 7, s. 3, 1950, p. 14, by No. 23, s. 5, 1951, p. 44, by No. 8, s. 4, 1952, p. 19, by No. 31, s. 3, 1953, p. 83, by No. 15, s. 3, 1954, p. 37, by No. 10, s. 3, 1955, p. 36, by No. 21, s. 3, 1956, p. 52, by No. 32, s. 3, 1957, p. 86, by No. 31, s. 3, 1953, p. 124, by No. 43, s. 3, 1959, p. 139, by No. 38, s. 3, 1960, p. 111, by No. 35, s. 3, 1961, p. 102, and by No. 39, s. 3, 1962, p. 111
Primary Producers' Debts Act, 1935-1936 (Vol. 6, p. 656)	s. 3. Repealed by No. 26, s. 22, 1943, p. 70 s. 9. Amended by No. 5, s. 3, 1939, p. 16, and by No. 30, s. 3, 1941, p. 113, and repealed by No. 26, s. 22, 1943, p. 70 s. 10. Amended by No. 5, s. 4, 1939, p. 16, and repealed by No. 30, s. 4, 1941, p. 113 s. 12. Amended by No. 26, s. 23, 1943, p. 70 ss. 22-26. <i>In re Stringer</i> (1940) S.A.S.R. 401 s. 24. Amended by No. 30, s. 5, 1941, p. 113 s. 34a. Enacted by No. 2358, s. 3, 1937, p. 57 s. 36. Repealed by No. 26, s. 24, 1943, p. 70 s. 36a. Enacted by No. 5, s. 5, 1939, p. 17 s. 39. <i>Crafter v. Kelly</i> (1941) S.A.S.R. 237 s. 41. Amended by No. 26, s. 25, 1943, p. 70
Prisons Act, 1936 (Vol. 6, p. 670)	s. 7a. Enacted by No. 44, s. 3, 1956, p. 126 s. 14. Amended by No. 22, s. 3 (1), 1954, p. 66 s. 22. Amended by No. 22, s. 4, 1954, p. 67 s. 42a. Enacted by No. 22, s. 5, 1954, p. 67 s. 46. Amended by No. 22, s. 6, 1954, p. 68 s. 47. Substituted by No. 22, s. 7, 1954, p. 68 s. 48. Amended by No. 22, s. 8, 1954, p. 69 s. 48a. Enacted by No. 22, s. 9, 1954, p. 70 s. 58. Amended by No. 22, s. 10, 1954, p. 70
Public Charities Funds Act, 1935 (Vol. 6, p. 697)	s. 26a. Enacted by No. 50, s. 2, 1940, p. 155
Public Finance Act, 1936 (Vol. 6, p. 710)	s. 7. Amended by No. 6, s. 3, 1954, p. 13, and by No. 20, s. 3, 1960, p. 49 s. 14. Substituted by No. 11, s. 3, 1947, p. 23 s. 27. Amended by No. 11, s. 4, 1947, p. 23 ss. 32a to 32j. Enacted by No. 48, s. 3, 1949, pp. 162, 165 s. 34. Amended by No. 6, s. 4, 1954, p. 14, and by No. 20, s. 4, 1960, p. 49 s. 38. Enacted by No. 48, s. 4, 1949, p. 165 s. 39. Enacted by No. 48, s. 4, 1949, p. 166

Act Affected.	How Affected.
Public Service Act, 1936 (Vol. 7, p. 1)..	This Act, as amended by No. 2375, 1937, p. 123, No. 2377, 1937, p. 126, No. 2423, 1938, p. 199, No. 45, 1940, p. 143, No. 22, 1941, p. 82, No. 28, 1942, p. 83, No. 12, 1945, p. 43, No. 30, 1946, p. 137, No. 46, 1947, p. 126, No. 39, 1948, p. 175, and No. 20, 1949, p. 67, and with notes of judicial decisions, is reprinted in the 1949 volume, page 351. <i>See also</i> the following paragraph
Public Service Act, 1936-1949 (1949, p. 351)	<p>s. 8. Amended by No. 45, s. 3, 1954, p. 123</p> <p>s. 11. Amended by No. 3, s. 11, 1955, p. 8</p> <p>s. 17. Amended by No. 47, s. 3, 1951, p. 121 by No. 3, s. 12, 1955, p. 8, by No. 3, s. 5, 1957, p. 10, by No. 10, s. 6, 1959, p. 22, and by No. 20, s. 6, 1960, p. 57</p> <p>s. 24. Amended by No. 47, s. 4, 1951, p. 121</p> <p>s. 28. Amended by No. 32, s. 3, 1950, p. 91</p> <p>s. 29a. Amended by No. 32, s. 5 (1), 1950, p. 92</p> <p>s. 30. Amended by No. 32, s. 4, 1950, p. 91</p> <p>s. 32a. Enacted by No. 32, s. 6, 1950, p. 92, and amended by No. 47, s. 5, 1951, p. 122</p> <p>s. 32b. Enacted by No. 47, s. 6, 1951, p. 122</p> <p>s. 40. Amended by No. 32, s. 7, 1950, p. 93</p> <p>s. 49a. Amended by No. 47, s. 7, 1951, p. 122, and by No. 22, s. 3, 1953, p. 55</p> <p>s. 52. Amended by No. 32, s. 8, 1950, p. 93, and by No. 47, s. 8, 1951, p. 123</p> <p>s. 56a. Enacted by No. 32, s. 9, 1950, p. 94</p> <p>s. 57. Amended by No. 32, s. 10, 1950, p. 94, by No. 47, s. 9, 1951, p. 123, and by No. 45, s. 4, 1954, p. 123</p> <p>s. 74. Amended by No. 32, s. 11 (1), 1950, p. 95</p> <p>s. 75. Amended by No. 32, s. 12, 1950, p. 95, by No. 45, s. 5, 1954, p. 125, by No. 40, s. 3, 1953, p. 151, and by No. 53, s. 3, 1953, p. 196</p> <p>s. 75a. Amended by No. 32, s. 13, 1950, p. 95, and by No. 46, s. 3, 1954, p. 127</p> <p>s. 76. Substituted by No. 32, s. 14, 1950, p. 95 and amended by No. 49, s. 3, 1952, p. 147</p> <p>s. 76a. Enacted by No. 32, s. 15, 1950, p. 96, and amended by No. 47, s. 10, 1951, p. 124, and by No. 45, s. 6, 1954, p. 125</p>
Public Service Act Amendment Act, 1942 (1942, p. 83)	s. 4. Amended by No. 12, s. 3, 1945, p. 43
Public Supply and Tender Act, 1914-1930 (Vol. 7, p. 41)	<p>s. 7a. Enacted by No. 7, s. 2, 1940, p. 13</p> <p>s. 15b. Enacted by No. 7, s. 3, 1940, p. 14</p> <p>s. 15c. Enacted by No. 7, s. 3, 1940, p. 14</p>
Public Works Standing Committee Act, 1927-1935 (Vol. 7, p. 47)	<p>s. 3. Amended by No. 8, s. 3, 1955, p. 33</p> <p>s. 6. Amended by No. 9, s. 3, 1944, p. 20</p> <p>s. 7. Amended by No. 9, s. 4, 1944, p. 21</p> <p>s. 8. Amended by No. 61, s. 3, 1954, p. 191</p> <p>s. 9. Amended by No. 61, s. 4, 1954, p. 192</p> <p>s. 11. Amended by No. 3, s. 12, 1955, p. 8, and by No. 8, s. 7, 1960, p. 24</p> <p>s. 12. Amended by No. 8, s. 4, 1951, p. 13</p> <p>s. 25. Amended by No. 8, s. 4, 1955, p. 34</p> <p>s. 25a. Enacted by No. 2, s. 3, 1940, p. 3, and amended by No. 8, s. 5, 1955, p. 34</p> <p>s. 28. Amended by No. 61, s. 5, 1954, p. 192</p>
Railways Standardization Agreement Act, 1949 (1949, p. 167)	Agreement in Schedule. <i>The State of South Australia and the Attorney-General of the State of South Australia v. The Commonwealth of Australia</i> 35 A.L.J.R. 460

Act Affected.	How Affected.
<p>The Real Property Act, 1886-1936 (Vol. 7, p. 59)</p>	<p>s. 6. <i>The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia</i> (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying <i>Savings Bank of South Australia v. South-Eastern Drainage Board and another</i> (1939) S.A.S.R. 339</p> <p>s. 20. Repealed by No. 37, s. 3, 1961, p. 112</p> <p>s. 51. Amended by No. 44, s. 3, 1960, p. 167</p> <p>s. 69. Amended by No. 39, s. 3, 1945, p. 181</p> <p><i>The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia</i> (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying <i>Savings Bank of South Australia v. South-Eastern Drainage Board and another</i> (1939) S.A.S.R. 339</p> <p>s. 71. <i>Bodey v. Smith and another</i> (1938) S.A.S.R. 352</p> <p>ss. 80a to 80i. Enacted by No. 39, s. 4, 1945, pp. 181-184</p> <p>s. 90a. Enacted by No. 37, s. 4, 1961, p. 112</p> <p>s. 96a. Enacted by No. 36, s. 6, 1939, p. 214</p> <p>s. 97. <i>The English, Scottish, and Australian Bank, Limited v. Phillips</i> (1936-1937) 57 C.L.R. 302 10 A.L.J. 458</p> <p>s. 100. Amended by No. 44, s. 4, 1960, p. 167</p> <p>s. 142a. Enacted by No. 36, s. 5, 1939, p. 213</p> <p>s. 148a. Enacted by No. 39, s. 5, 1945, p. 184</p> <p>s. 151. <i>The English, Scottish, and Australian Bank, Limited v. Phillips</i> (1936-1937) 57 C.L.R. 302; 10 A.L.J. 458</p> <p>s. 169. Substituted by No. 36, s. 7, 1939, p. 214</p> <p>s. 220. Amended by No. 39, s. 6, 1945, p. 185, and by No. 44, s. 5, 1960, p. 168</p> <p>ss. 223a to 223l. Enacted by No. 39, s. 7, 1945, pp. 185-188</p> <p>s. 229. <i>Rex v. McHale</i> (1952) S.A.S.R. 54</p> <p>s. 245. <i>In re Coombe</i> (1941) S.A.S.R. 197 <i>In re Jonson</i> (1957) S.A.S.R. 204</p> <p>s. 246. <i>Phillis v. The King</i> 15 A.L.J. 191</p> <p>s. 249. <i>Black's Limited and others v. Riv and others</i> (1962) S.A.S.R. 161</p> <p>s. 251. Amended by No. 39, s. 8, 1945, p. 188</p> <p>ss. 255 and 256. Repealed by No. 36, s. 8, 1939, p. 226</p> <p>s. 268. Amended by No. 36, s. 9, 1939, p. 216</p> <p>s. 272. Amended by No. 44, s. 6, 1960, p. 168</p> <p>First schedule. Amended by regulations <i>Gazette</i> 13th September, 1956, p. 581</p> <p>Sixth schedule. Amended by No. 36, s. 10 (1), 1939, p. 216</p> <p>Seventh schedule. Amended by No. 36, s. 10 (1), 1939, p. 216</p> <p>Eleventh schedule. Amended by No. 36, s. 10 (2), 1939, p. 216</p> <p>Nineteenth schedule. Amended by No. 36, s. 11, 1939, p. 216</p> <p>Twenty-third schedule. Enacted by No. 39, s. 9, 1945, p. 188</p>
<p>Real Property (Commonwealth Titles) Act, 1924 (Vol. 7, p. 154)</p>	<p>s. 8. Enacted by No. 42, s. 3, 1953, p. 123</p>
<p>Registration of Business Names Act, 1926-1932 (Vol. 7, p. 173)</p>	<p>s. 3. Amended by No. 23, s. 2, 1946, p. 114</p> <p>s. 4a. Enacted by No. 38, s. 3, 1961, p. 114</p> <p>s. 5. Substituted by No. 23, s. 3, 1946, p. 114</p> <p>s. 8. Amended by No. 23, s. 4, 1946, p. 115, and by No. 37, s. 3, 1955, p. 111</p> <p>s. 9. Amended by No. 11, s. 2 (1), 1950, p. 23</p> <p>s. 11. Amended by No. 11, s. 2 (2), 1950, p. 23</p> <p>s. 13. Amended by No. 23, s. 5, 1946, p. 115</p> <p>s. 21. Substituted by No. 11, s. 3, 1950, p. 23, and amended by No. 37, s. 4, 1955, p. 112</p>

Act Affected.	How Affected.
Registration of Business Names Act, 1926-1932 (Vol. 7, p. 173)— <i>continued</i> .	<p>s. 22. Amended by No. 23, s. 7, 1946, p. 116, and by No. 37, s. 5, 1955, p. 112</p> <p>s. 22a. Amended by No. 23, s. 8, 1946, p. 117</p> <p>s. 23. Amended by No. 23, s. 9, 1946, p. 117, by No. 11, s. 4, 1950, p. 24, and by No. 37, s. 6, 1955, p. 113</p> <p>s. 23b. Enacted by No. 23, s. 10, 1946, p. 118</p> <p>s. 25. Amended by No. 37, s. 7, 1955, p. 113</p>
Registration of Deeds Act, 1935 (Vol. 7, p. 184)	<p>s. 10a. Enacted by No. 18, s. 3, 1962, p. 45</p> <p>s. 14. Amended by No. 18, s. 4, 1962, p. 45</p> <p>s. 35a. Enacted by No. 18, s. 5, 1962, p. 46</p>
Registration of Dogs Act, 1924-1929 (Vol. 7, p. 204)	<p>s. 5. Amended by No. 40, s. 2 (1), 1957, p. 108</p> <p>s. 10. Amended by No. 21, s. 2, 1948, p. 103</p> <p>s. 12. Amended by No. 21, s. 3, 1948, p. 103</p> <p>s. 13. Amended by No. 21, s. 4, 1948, p. 104</p> <p>s. 14. Amended by No. 21, s. 5, 1948, p. 104</p> <p>s. 18. Amended by No. 40, s. 2 (2), 1957, p. 108</p> <p>s. 19. Amended by No. 21, s. 6, 1948, p. 104</p> <p>s. 20. Amended by No. 21, s. 7, 1948, p. 104</p> <p>s. 21. <i>Hanlin and another v. O'Sullivan</i> (1954) S.A.S.R. 286</p> <p>s. 21a. Enacted by No. 21, s. 8, 1948, p. 104</p> <p>s. 22. Amended by No. 21, s. 9, 1948, p. 105</p> <p>s. 24. Amended by No. 21, s. 10, 1948, p. 105</p> <p><i>Watts v. Welch. Tobin v. Welch</i> (1950) S.A.S.R. 289</p> <p><i>Grimwood v. Campbell</i> (1955) S.A.S.R. 313</p> <p><i>Rosey v. Nilson</i> (1959) S.A.S.R. 54</p> <p>s. 30. Amended by No. 21, s. 11, 1948, p. 105</p> <p>s. 31a. Enacted by No. 21, s. 12, 1948, p. 106</p> <p>s. 33. Substituted by No. 21, s. 13, 1948, p. 106</p> <p>s. 34. Amended by No. 21, s. 14, 1948, p. 106</p> <p>s. 34a. Enacted by No. 21, s. 15, 1948, p. 106</p> <p>s. 37. Enacted by No. 21, s. 16, 1948, p. 107</p> <p>Second schedule. Amended by No. 21, s. 17, 1948, p. 107 and by No. 40, ss. 2 (3) and 3, 1957, pp. 108, 109</p> <p>Third schedule Amended by No. 40, s. 2 (4), 1957, p. 109</p> <p>Fourth schedule Amended by No. 40, s. 4, 1957, p. 109</p> <p>Fifth schedule. Enacted by No. 21, s. 18, 1948, p. 108</p>
Renmark Irrigation Trust Act, 1936 (Vol. 7, p. 217)	<p>s. 4. Amended by No. 31, s. 4, 1959, p. 86</p> <p>s. 5. Amended by No. 45, s. 3, 1950, p. 126, and by No. 31, s. 5, 1959, p. 86</p> <p>s. 8. Amended by No. 26, s. 2, 1945, p. 115, and by No. 31, s. 6, 1959, p. 86</p> <p>s. 9. Amended by No. 31, s. 7, 1959, p. 86</p> <p>s. 11. Amended by No. 26, s. 3, 1945, p. 116</p> <p>s. 21. Amended by No. 26, s. 4, 1945, p. 117, and by No. 45, s. 3, 1956, p. 128</p> <p>s. 22. Amended by No. 40, s. 2 (1), 1948, p. 181, and by No. 45, s. 4, 1950, p. 126</p> <p>s. 24. Amended by No. 40, s. 2 (2), 1948, p. 181, and by No. 45, s. 5, 1950, p. 127</p> <p>s. 26. Substituted by No. 45, s. 4, 1956, p. 128</p> <p>s. 33. Amended by No. 45, s. 6, 1950, p. 127</p> <p>s. 63. Amended by No. 31, s. 8, 1959, p. 86</p> <p>s. 65. Amended by No. 31, s. 9, 1956, p. 87</p> <p>ss. 65a to 65d. Enacted by No. 45, s. 7, 1950, pp. 128, 129</p> <p>s. 65e. Enacted by No. 55, s. 2, 1958, p. 210</p> <p>s. 72a. Enacted by No. 45, s. 8, 1950, p. 129</p> <p>ss. 72c and 72d. Enacted by No. 31, s. 11, 1959, pp. 87, 88</p> <p>s. 72b. Enacted by No. 33, s. 3, 1958, p. 87</p> <p>s. 92. Amended by No. 40, s. 3, 1948, p. 181, by No. 9, s. 3, 1952, p. 20, and by No. 31, s. 12, 1959, p. 89</p>

Act Affected.	How Affected.
Renmark Irrigation Trust Act, 1936 (Vol. 7. p. 217)— <i>continued</i> .	<p>s. 93. Amended by No. 31, s. 13, 1959, p. 89 s. 97. Amended by No. 26, s. 5, 1945, p. 117 Heading to Part VIII. amended by No. 31, s. 14, 1959, p. 89 ss. 115 to 121t. Substituted and enacted by No. 31, s. 15, pp. 89-96 s. 122. Amended by No. 31, s. 16, 1959, p. 96 s. 123. Substituted by No. 31, s. 17, 1959, p. 96 s. 142. Amended by No. 40, s. 5, 1948, p. 182 s. 154. Amended by No. 26, s. 6, 1945, p. 118 s. 171. Amended by No. 31, s. 18, 1959, p. 98 s. 172. Amended by No. 31, s. 19, 1959, p. 98 ss. 175a and 175b. Enacted by No. 31, s. 20, 1959, pp. 98, 99 s. 224a. Enacted by No. 46, s. 2, 1946, p. 212 s. 225a. Enacted by No. 40, s. 6, 1948, p. 183 Second schedule. Amended by No. 40, s. 7, 1948, p. 183</p>
River Murray Waters Act, 1935 (Vol. 7, p. 287)	Schedules. Amended by No. 54, s. 5, 1948, p. 231, by No. 47, s. 5, 1954, p. 130, and by No. 25, s. 5, 1958, p. 72
Road and Railway Transport Act, 1930-1935 (Vol. 7 p. 320)	<p>s. 9a. Enacted by No. 47, s. 3, 1939, p. 358 s. 9b. Enacted by No. 47, s. 3, 1939, p. 359 s. 14. Amended by No. 47, s. 4, 1939, p. 359 <i>Miller v. Hilton</i> (1937) 57 C.L.R. 400; 11 A.L.J. 74 <i>Crafter v. Burns</i> (1939) S.A.S.R. 152, affirming <i>Crafter v. Burns</i> (1939) S.A.S.R. 7. Special leave to appeal to the High Court refused, 62 C.L.R. 747 (note). <i>Dayman v. Gleader</i> (1939) S.A.S.R. 277, affirming <i>Dayman v. Gleader</i> (1939) S.A.S.R. 139 <i>Crouch v. O'Sullivan</i> (1956) S.A.S.R. 146 <i>Lamshed v. Lake</i> 32 A.L.J.R. 75 <i>Ridland v. Dyson</i> (1959) S.A.S.R. 72 s. 18a. Enacted by No. 47, s. 5, 1939, p. 359 s. 18b. Enacted by No. 47, s. 5, 1939, p. 359 s. 18c. Enacted by No. 47, s. 5, 1939, p. 360 s. 22a. Enacted by No. 47, s. 6, 1939, p. 360 s. 23. Repealed by No. 47, s. 8, 1939, p. 360 s. 24a. Enacted by No. 47, s. 7, 1939, p. 360 s. 25. Amended by No. 47, s. 9, 1939, p. 360 s. 26. Repealed by No. 47, s. 10, 1939, p. 360 s. 27b. Enacted by No. 47, s. 11, 1939, p. 361 s. 27c. Enacted by No. 47, s. 11, 1939, p. 361 s. 27d. Enacted by No. 47, s. 11, 1939, p. 362 s. 27e. Enacted by No. 47, s. 11, 1939, p. 362 <i>Motor Vehicle Drivers Case</i> (1940) 16 S.A.I.R. 111 ss. 27f to 27q. Enacted by No. 22, s. 3, 1956, pp. 53-58 <i>Edmund T. Lennon, Pty. Ltd. v. State of South Australia : Pioneer Express Pty. Ltd. v. State of South Australia</i> (1958) 99 C.L.R. 227; 31 A.L.J. 622 s. 28a. Enacted by No. 47, s. 12, 1939, p. 363 s. 28b. Enacted by No. 47, s. 12, 1939, p. 363 s. 31a. Enacted by No. 43, s. 3, 1957, p. 115 s. 32a. Enacted by No. 47, s. 13, 1939, p. 364 s. 35a. Enacted by No. 47, s. 14, 1939, p. 364 s. 35b. Enacted by No. 47, s. 14, 1939, p. 364 s. 35c. Enacted by No. 47, s. 14, 1939, p. 364 s. 35d. Enacted by No. 47, s. 14, 1939, p. 364</p>
Road Traffic Act, 1961 (1961, p. 217) . .	<p>s. 47. <i>Krawinkel v. Brebner</i> (1962) S.A.S.R. 103. <i>Warning v. O'Sullivan</i> (1962) S.A.S.R. 287 s. 63. <i>Wischki v. Mewett</i> (1962) S.A.S.R. 69. s. 144. <i>Baker v. Fauser ; Cunningham v. McLachlan ; Cunningham v. Gillings</i> (1962) S.A.S.R. 176</p>

Act Affected.	How Affected.
Road Traffic Act, 1961 (1961, p. 217) —continued.	s. 146. <i>Cunningham v. Mullan</i> (1961) S.A.S.R. 318 s. 173. <i>In re Hood</i> (1962) S.A.S.R. 173 s. 175. <i>Beale v. Higgins</i> (1962) S.A.S.R. 81 <i>Krawinkel v. Brebner</i> (1962) S.A.S.R. 103
Roads (Opening and Closing) Act, 1932-1936 (Vol. 7, p. 342)	s. 2. Amended by No. 47, s. 2, 1946, p. 213 s. 3. Amended by No. 47, s. 12, 1946, p. 220 s. 6. Amended by No. 47, s. 12, 1946, p. 220 s. 7. Amended by No. 47, s. 12, 1946, p. 220 s. 8. Amended by No. 47, s. 12, 1946, p. 220 s. 11. Amended by No. 47, ss. 3 and 12, 1946, pp. 213, 220 s. 11a. Enacted by No. 47, s. 4, 1946, p. 215 s. 14. Amended by No. 47, ss. 5 and 12, 1946, pp. 216, 220 s. 16. Amended by No. 47, s. 6, 1946, p. 216 s. 17. Amended by No. 47, ss. 7 and 12, 1946, pp. 217, 220 s. 18. Amended by No. 47, s. 12, 1946, p. 220 s. 20. Amended by No. 47, s. 8, 1946, p. 217 ss. 20a to 20d. Enacted by No. 47, s. 9, 1946, p. 217 s. 22. Amended by No. 47, s. 10, 1946, p. 219 s. 23. Amended by No. 47, ss. 11 (1) and 12, 1946, p. 220 s. 27. Amended by No. 47, s. 12, 1946, p. 220 Second schedule. Amended by No. 47, s. 12, 1946, p. 220 Third schedule. Amended by No. 47, s. 12, 1946, p. 220 Fourth schedule. Amended by No. 47, s. 12, 1946, p. 220 Fifth schedule. Enacted by No. 47, s. 11 (2), 1946, p. 220
Sale of Fruit Act, 1915-1935 (Vol. 7, p. 465)	Schedule. Substituted by regulations <i>Gazette</i> 3rd December, 1936, p. 1195, and amended by regulations <i>Gazette</i> 25th December, 1947, p. 2265
The Sale of Goods Act, 1895-1936 (Vol. 7, p. 474)	s. 4. <i>Clements v. Hoppo</i> (1937) S.A.S.R. 231. Leave to appeal to the High Court refused, 59 C.L.R. 807 (note) s. 12. <i>Warmings Used Cars Ltd. v. Tucker and another</i> (1956) S.A.S.R. 249 s. 13. <i>Clarke v. McMahan</i> (1939) S.A.S.R. 64 s. 18. <i>Minister for Supply and Development and another v. Servicemen's Co-operative Joinery Manufacturers Limited and another</i> (1951) 82 C.L.R. 621 s. 25. <i>Langmead v. Thyer Rubber Co. Limited</i> (1947) S.A.S.R. 29 s. 32. Amended by No. 36, s. 3, 1943, p. 112 s. 57a. Amended by No. 2357, s. 4, 1937, p. 56 s. 57b. Enacted by No. 29, s. 3, 1952, p. 76
Sale of Furniture Act, 1904-1935 (Vol. 7, p. 473)	s. 3. Amended by No. 10, s. 3, 1961, p. 29 s. 5. Amended by No. 10, s. 4, 1961, p. 29 s. 6. Substituted by No. 10, s. 5, 1961, p. 30 s. 7. Amended by No. 10, s. 6, 1961, p. 30 s. 8a. Enacted by No. 10, s. 7, 1961, p. 30 s. 9. Amended by No. 10, s. 8, 1961, p. 31 s. 9a. Enacted by No. 10, s. 9, 1961, p. 31
Sandalwood Act, 1930-1936 (Vol. 7, p. 498)	s. 11. Amended by No. 9, s. 3, 1940, p. 19, by No. 7, s. 3, 1943, p. 15, and by No. 12, s. 3, 1946, p. 42 and repealed by No. 12, s. 3, 1949, p. 51
The Savings Bank of South Australia Act, 1929-1935 (Vol. 7, p. 526)	s. 2. Amended by No. 33, s. 2, 1948, p. 155 s. 4. Amended by No. 25, s. 2, 1949, p. 81 s. 4a. Enacted by No. 27, s. 3, 1945, p. 120

Table of Amendments and Cases.

Act Affected.	How Affected.
<p>The Savings Bank of South Australia Act, 1929-1935 (Vol. 7, p. 526)—<i>cont.</i></p>	<p>s. 5. Amended by No. 13, s. 3, 1942, p. 33, and by No. 31, s. 7 (2), 1947, p. 86</p> <p>s. 8. Amended by No. 13, s. 5, 1942, p. 34</p> <p>s. 16. Amended by No. 13, s. 6, 1942, p. 34</p> <p>s. 17. Amended by No. 13, s. 7, 1942, p. 34, and by No. 33, s. 3, 1948, p. 155</p> <p>s. 19. Substituted by No. 20, s. 3, 1953, p. 50</p> <p>s. 20. Amended by No. 25, s. 4, 1949, p. 82, by No. 20, s. 4, 1953, p. 51, and by No. 36, s. 3, 1958, p. 136</p> <p>s. 20a. Enacted by No. 36, s. 4, 1958, p. 136</p> <p>s. 20b. Enacted by No. 24, s. 3, 1959, p. 67</p> <p>s. 26a. Enacted by No. 27, s. 4, 1945, p. 121</p> <p>s. 27. Amended by No. 13, s. 8, 1942, p. 34</p> <p>s. 28. Substituted by No. 13, s. 9, 1942, p. 34</p> <p>s. 29. Substituted by No. 13, s. 10, 1942, p. 35</p> <p>s. 30. Substituted by No. 13, s. 11, 1942, p. 35</p> <p>s. 30a. Enacted by No. 27, s. 5, 1945, p. 121</p> <p>s. 31. Amended by No. 13, s. 12, 1942, p. 35</p> <p>s. 32a. Enacted by No. 31, s. 2, 1947, p. 84</p> <p>s. 33. Amended by No. 13, s. 13, 1942, p. 36</p> <p>s. 34. Substituted by No. 27, s. 6, 1945, p. 121</p> <p>s. 38. Amended by No. 13, s. 14, 1942, p. 36, and by No. 31, s. 3, 1947, p. 85</p> <p>s. 39. Amended by No. 13, s. 15, 1942, p. 37</p> <p>s. 40. Amended by No. 13, s. 16, 1942, p. 37</p> <p>s. 41. Amended by No. 13, s. 17, 1942, p. 37</p> <p>s. 42. Amended by No. 13, s. 18, 1942, p. 37, by No. 25, s. 5, 1949, p. 82, and by No. 32, s. 3, 1962, p. 86</p> <p>s. 42a. Enacted by No. 13, s. 19, 1942, p. 37</p> <p>s. 42b. Enacted by No. 13, s. 19, 1942, p. 38</p> <p>s. 43. Substituted by No. 31, s. 4, 1947, p. 85</p> <p>s. 44. Amended by No. 13, s. 21, 1942, p. 38</p> <p>s. 45. Amended by No. 13, s. 22, 1942, p. 38</p> <p>s. 46. Amended by No. 31, s. 5, 1947, p. 85</p> <p>s. 47. Amended by No. 31, s. 6, 1947, p. 85, and by No. 36, s. 5, 1958, p. 137</p> <p>s. 48. Substituted by No. 13, s. 23, 1942, p. 38</p> <p>s. 50. Amended by No. 31, s. 7 (1), 1947, p. 86, and by No. 25, s. 6, 1949, p. 82</p> <p>s. 51. Amended by No. 13, s. 24, 1942, p. 39, and by No. 25, s. 7, 1949, p. 82</p> <p>s. 52. Substituted by No. 13, s. 25, 1942, p. 39, and amended by No. 25, s. 8, 1949, p. 82</p> <p>s. 53. Substituted by No. 25, s. 9, 1949, p. 83</p> <p>s. 54. Repealed by No. 13, s. 27, 1942, p. 39</p> <p>s. 57. Amended by No. 13, s. 28, 1942, p. 40</p> <p>s. 59. Amended by No. 13, s. 29, 1942, p. 40, by No. 31, s. 8, 1947, p. 86, by No. 33, s. 4, 1948, p. 155, by No. 25, s. 10, 1949, p. 83, by No. 36, s. 6, 1958, p. 138, and by No. 32, s. 4, 1962, p. 86</p> <p>s. 60. Amended by No. 31, s. 9, 1947, p. 86</p> <p>s. 60a. Enacted by No. 33, s. 5, 1948, p. 156, and amended by No. 36, s. 7, 1958, p. 138 and by No. 32, s. 5, 1962, p. 86</p> <p>s. 61. Amended by No. 13, s. 30, 1942, p. 40</p> <p>s. 62. Amended by No. 13, s. 31, 1942, p. 40</p> <p>s. 63. Amended by No. 13, s. 32, 1942, p. 40</p> <p>s. 64. Substituted by No. 13, s. 33, 1942, p. 40</p> <p>s. 65. Substituted by No. 25, s. 11, 1949, p. 83</p> <p>s. 66. Substituted by No. 13, s. 35, 1942, p. 41</p> <p>s. 67. Substituted by No. 13, s. 36, 1942, p. 41</p> <p>s. 69. Substituted by No. 13, s. 37, 1942, p. 42</p>
<p>Scaffolding Inspection Act, 1934 (Vol. 7, p. 557)</p>	<p>s. 3. Amended by No. 5, s. 2, 1940, p. 7, and by No. 46, s. 3, 1961, p. 169</p>

Act Affected.	How Affected.
Scaffolding Inspection Act, 1934 (Vol. 7, p. 557)— <i>continued</i> .	<p>s. 4. Amended by No. 14, s. 3, 1957, p. 58 and by No. 46, s. 4, 1961, p. 170</p> <p>s. 5. Substituted by No. 24, s. 4, 1957, p. 59</p> <p>s. 5a. Enacted by No. 46, s. 5, 1961, p. 171</p> <p>s. 6. Amended by No. 24, s. 5, 1957, p. 59, and by No. 46, s. 6, 1961, p. 171</p> <p>s. 7. Substituted by No. 46, s. 7, 1961, p. 172</p> <p>s. 8. Substituted by No. 46, s. 8, 1961, p. 172</p> <p>s. 9. Amended by No. 24, s. 7, 1957, p. 60</p> <p>s. 11. Amended by No. 24, s. 8, 1957, p. 60, and by No. 46, s. 9, 1961, p. 174</p> <p>s. 11a. Enacted by No. 24, s. 9, 1957, p. 61</p> <p>s. 12. Amended by No. 24, s. 10, 1957, p. 61</p> <p>Second schedule. Amended by regulations <i>Gazette</i>, 14th September, 1944, p. 324, <i>Gazette</i> 13th June, 1957, p. 1469, <i>Gazette</i> 1st October, 1959, p. 825, <i>Gazette</i> 18th May, 1961, p. 1142, and <i>Gazette</i> 27th June, 1963 p. 1659</p>
School of Mines and Industries Act, 1892-1934 (Vol. 7, p. 565)	<p>Long title. Amended by No. 46, s. 4, 1959, p. 154</p> <p>Preamble. Amended by No. 46, s. 5, 1959, p. 155</p> <p>s. 3. Amended by No. 46, s. 6, 1959, p. 155</p> <p>s. 4. Amended by No. 46, s. 7, 1959, p. 155</p> <p>s. 5. Repealed by No. 46, s. 8, 1959, p. 155</p> <p>s. 6. Amended by No. 46, s. 9, 1959, p. 156</p> <p>s. 10. Amended by No. 46, s. 10, 1959, p. 158</p> <p>s. 11. Amended by No. 46, s. 11, 1959, p. 158</p>
Second-hand Dealers Act, 1919-1934 (Vol. 7, p. 570)	<p>s. 6. Amended by No. 19, s. 3, 1953, p. 53</p> <p>s. 9a. Amended by No. 41, s. 2, 1950, p. 118</p> <p>s. 9b. Enacted by No. 41, s. 2, 1949, p. 133</p> <p>s. 10. Amended by No. 41, s. 3, 1949, p. 134</p>
Settled Estates Act, 1880 (Vol. 7, p. 590)	<p>s. 34. Amended by No. 17, s. 3 (1), 1943, p. 36</p>
Sewerage Act, 1929-1936 (Vol. 7, p. 605)	<p>s. 2. Amended by No. 27, s. 4, 1953, p. 75</p> <p>s. 4. Amended by No. 48, s. 3, 1946, p. 222</p> <p>s. 5. Amended by No. 51, s. 3, 1962, p. 164</p> <p>s. 10. Repealed by No. 48, s. 4, 1946, p. 223</p> <p>s. 11. Repealed by No. 48, s. 4, 1946, p. 223</p> <p>s. 13. Amended by No. 51, s. 4, 1962, p. 165</p> <p>s. 17a. Enacted by No. 27, s. 2, 1953, p. 73</p> <p>s. 31a. Enacted by No. 48, s. 5, 1946, p. 223</p> <p>s. 32. Amended by No. 48, s. 6, 1946, p. 223</p> <p>s. 53. Substituted by No. 51, s. 5, 1962, p. 165</p> <p>s. 64. Amended by No. 48, s. 7, 1946, p. 223</p> <p>s. 74. Amended by No. 24, s. 3, 1955, p. 81</p> <p>s. 74a. Enacted by No. 24, s. 4, 1955, p. 81, and amended by No. 65, s. 3, 1960, p. 252</p> <p>s. 75. Amended by No. 24, s. 5, 1955, p. 82, and by No. 65, s. 4, 1960, p. 252</p> <p>s. 75a. Enacted by No. 48, s. 8, 1946, p. 223, and repealed by No. 24, s. 6, 1955, p. 82</p> <p>s. 85. Amended by No. 48, s. 9, 1946, p. 224</p> <p>ss. 85a. to 85d. Enacted by No. 27, s. 3, 1953, p. 74</p>
Shearers Accommodation Act, 1922-1935 (Vol. 7, p. 647)	<p>This Act, as amended by No. 35, 1942, p. 122, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 137. <i>See also</i> the following paragraph.</p>
Shearers Accommodation Act, 1922-1942 (1942, p. 137)	<p>s. 6. Amended by No. 24, s. 2 (1), 1947, p. 62 and by No. 20, ss. 3, 4 and 5, 1958, pp. 55-61</p> <p>s. 9. Amended by No. 20, s. 6, 1958, p. 61</p>
Shearers Accommodation Act Amendment Act, 1947 (1947, p. 62)	<p>s. 2 (2). Amended by No. 42, s. 3, 1952, p. 121</p>

Act Affected.	How Affected.
Soil Conservation Act, 1939 (1939, p. 124)	<p>s. 2. Amended by No. 44, s. 3, 1945, p. 213 s. 2a. Enacted by No. 44, s. 4, 1945, p. 214 s. 4. Amended by No. 44, s. 5, 1945, p. 214 s. 6. Substituted by No. 37, s. 2, 1943, p. 114 s. 6a. Enacted by No. 44, s. 6, 1945, p. 214 and amended by No. 13, s. 3, 1960, p. 33 s. 6b. Enacted by No. 44, s. 6, 1945, p. 215 s. 6c. Enacted by No. 44, s. 6, 1945, p. 215 and amended by No. 13, s. 4, 1960, p. 34 ss. 6d to 6i. Enacted by No. 44, s. 6, 1945, pp. 216-218 s. 6j. Enacted by No. 13, s. 5, 1960, p. 34 s. 10a. Enacted by No. 37, s. 3, 1943, p. 114, and repealed by No. 44, s. 7, 1945, p. 218 s. 12. Amended by No. 37, s. 4, 1943, p. 115 s. 12a. Enacted by No. 44, s. 8, 1945, p. 218, and amended by No. 32, s. 3, 1947, p. 87 s. 13a. Enacted by No. 37, s. 5, 1943, p. 116, and repealed by No. 32, s. 4, 1947, p. 83 ss. 13b to 13i. Enacted by No. 44, s. 10, 1945, pp. 219-222 s. 13j. Enacted by No. 44, s. 10, 1945, p. 223, and amended by No. 13, s. 6, 1960, p. 34 ss. 13k to 13m. Enacted by No. 44, s. 10, 1945, pp. 224, 225 s. 13n. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 5, 1947, p. 88, and by No. 13, s. 7, 1960, p. 35 s. 13o. Enacted by No. 44, s. 10, 1945, p. 226, and amended by No. 32, s. 5, 1947, p. 88 s. 18. Amended by No. 37, s. 6, 1943, p. 117, and by No. 44, s. 11, 1945, p. 226 s. 19. Enacted by No. 37, s. 7, 1943, p. 117</p>
South Australian Housing Trust Act, 1936 (Vol. 7, p. 653)	<p>s. 2. Amended by No. 21, s. 2, 1942, p. 58 s. 8. Amended by No. 21, s. 3, 1942, p. 58 s. 13. Amended by No. 49, s. 2, 1946, p. 225 s. 13a. Enacted by No. 49, s. 3, 1946, p. 226 s. 14. Substituted by No. 21, s. 4, 1942, p. 59, and amended by No. 7, s. 2, 1947, p. 10 s. 14a. Enacted by No. 21, s. 4, 1942, p. 59 s. 14b. Enacted by No. 21, s. 4, 1942, p. 59 s. 14c. Enacted by No. 21, s. 4, 1942, p. 59 s. 20. Amended by No. 21, s. 5, 1942, p. 59 s. 20a. Enacted by No. 50, s. 2, 1952, p. 149 s. 20b. Enacted by No. 50, s. 2, 1952, p. 149 s. 20c. Enacted by No. 50, s. 2, 1952, p. 151 s. 24a. Enacted by No. 10, s. 2, 1948, p. 70 s. 25. Substituted by No. 21, s. 6, 1942, p. 59 s. 27. Amended by No. 2371, s. 4, 1937, p. 108 and by No. 21, ss. 7 and 8, 1942, p. 60 s. 28a. Enacted by No. 46, s. 3, 1940, p. 146 and amended by No. 21, s. 9, 1942, p. 60 s. 28b. Enacted by No. 21, s. 10, 1942, p. 61 s. 29a. Enacted by No. 2371, s. 5, 1937, p. 108 Schedule. Enacted by No. 49, s. 4, 1946, p. 227, and amended by No. 42, s. 3, 1957, p. 112</p>
South Australian Railways Commissioner's Act, 1936 (Vol. 7, p. 661)	<p>s. 38. Amended by No. 47, s. 3, 1941, p. 202 s. 42. Substituted by No. 47, s. 4, 1941, p. 202 ss. 42a to 42f. Enacted by No. 47, s. 4, 1941, pp. 202, 203 s. 43. Repealed by No. 47, s. 4, 1941, p. 202 s. 44. Amended by No. 47, s. 5, 1941, p. 204 s. 44a. Enacted by No. 47, s. 6, 1941, p. 204 s. 47a. Enacted by No. 47, s. 7, 1941, p. 205 s. 49. Amended by No. 47, s. 8, 1941, p. 205 ss. 53a to 53x. Enacted by No. 2400, s. 3, 1938, pp. 67-73</p>

Act Affected.	How Affected.
<p>South Australian Railways Commissioner's Act, 1936 (Vol. 7, p. 661)— <i>continued.</i></p>	<p>ss. 56a and 56b. Enacted by No. 55, s. 3, 1950, pp. 182, 183 s. 109. <i>Miesiewicz v. South Australian Railways Commissioner</i> (1961) S.A.S.R. 190 s. 113. Repealed by No. 55, s. 4, 1950, p. 183 s. 114. Repealed by No. 55, s. 4, 1950, p. 183 s. 133. Amended by No. 41, s. 3, 1957, p. 110 s. 137. <i>Miesiewicz v. South Australian Railways Commissioner</i> (1961) S.A.S.R. 190</p>
<p>South-Eastern Drainage Act, 1931-1935 (Vol. 7, p. 721)</p>	<p>s. 3. Amended by No. 25, s. 3, 1959, p. 69 s. 6. Amended by No. 25, s. 3, 1947, p. 65, and by No. 25, s. 4, 1959, p. 70 s. 42. <i>The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia</i> (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying <i>Savings Bank of South Australia v. South-Eastern Drainage Board and another</i> (1939) S.A.S.R. 339 s. 66. <i>The South-Eastern Drainage Board (South Australia) v. The Savings Bank of South Australia</i> (1939) 62 C.L.R. 603; 13 A.L.J. 421, varying <i>Savings Bank of South Australia v. South-Eastern Drainage Board and another</i> (1939) S.A.S.R. 339 s. 81. Amended by No. 25, s. 4, 1947, p. 66 s. 81a. Enacted by No. 25, s. 5, 1947, p. 66 s. 88. Amended by No. 25, s. 6, 1947, p. 67 s. 90. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143 s. 98. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143 s. 101. <i>In re Cameron and Ryder</i> (1937) S.A.S.R. 143 Heading to Part IVA. Amended by No. 25, s. 5, 1959, p. 70 s. 103a. Enacted by No. 34, s. 3, 1948, p. 159, and amended by No. 25, s. 6, 1959, p. 70 s. 103b. Enacted by No. 34, s. 3, 1948, p. 160, and amended by No. 25, s. 7, 1959, p. 70 s. 103c. Enacted by No. 34, s. 3, 1948, p. 160 and amended by No. 25, s. 8, 1959, p. 70 ss. 103d to 103f. Enacted by No. 34, s. 3, 1948, p. 160 s. 103g. Enacted by No. 34, s. 3, 1948, p. 161 and amended by No. 25, s. 9, 1959, p. 71 ss. 103h to 103j. Enacted by No. 34, s. 3, 1948, pp. 161, 162 First schedule. Substituted by No. 25, s. 10, 1959, p. 71 Fifth schedule. Enacted by No. 25, s. 11, 1959, p. 72</p>
<p>Stamp Duties Act, 1923-1936 (Vol. 7, p. 762)</p>	<p>This Act as amended by No. 2359, 1937, p. 59, No. 2387, 1938, p. 12, No. 48, 1941, p. 206, No. 22, 1942, p. 62, No. 30, 1944, p. 90, No. 32, 1945, p. 139, No. 41, 1947, p. 107, No. 16, 1950, p. 38, No. 5, 1952, p. 13, No. 42, 1952, p. 119, and No. 55, 1952, p. 184, in the 1952 volume, p. 245. <i>See also</i> the following paragraph</p>
<p>Stamp Duties Act, 1923-1952 (1952, p. 245)</p>	<p>s. 31. Amended by No. 30, s. 3, 1953, p. 81, and by No. 45, s. 4, 1959, p. 150 s. 31b. Enacted by No. 45, s. 5, 1959, p. 151, and amended by No. 7, s. 3 (1), 1960, p. 21 s. 31c. Enacted by No. 45, s. 5, 1959, p. 151 s. 31d. Enacted by No. 45, s. 5, 1959, p. 151 s. 40. Repealed by No. 30, s. 4 (1), 1953, p. 82 s. 48. Amended by No. 8, s. 3, 1956, p. 18 s. 48a. Amended by No. 32, s. 7, 1962, p. 88 s. 60. Amended by No. 30, s. 5, 1953, p. 82 <i>In re South Australian Unit Trusts Pty., Ltd.</i> (1954) S.A.S.R. 227 Part IV. Operation suspended by No. 15, s. 3, 1960, p. 39</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Stamp Duties Act, 1923-1952 (1952, p. 245)— <i>continued</i> .	Second schedule. Amended by No. 30, s. 6, 1953, p. 82, by No. 29, s. 3, 1954, p. 87, by No. 8, s. 4, 1956, p. 18, by No. 45, s. 6, 1959, p. 151, and by No. 32, s. 8, 1962, p. 88
Stamp Duties Act Amendment Act, 1945 (1945, p. 139)	s. 4. Amended by No. 41, s. 3, 1947, p. 107
State Bank Act, 1925-1936 (Vol. 7, p. 812)	s. 8. Amended by No. 23, s. 3, 1941, p. 85, and by No. 56, s. 2, 1958, p. 212 s. 19. Amended by No. 63, s. 3, 1954, p. 195 s. 20. Repealed by No. 63, s. 4, 1954, p. 195 s. 37a. Enacted by No. 23, s. 4, 1941, p. 85 s. 39. Amended by No. 56, s. 3, 1958, p. 213 s. 76a. Amended by No. 23, s. 5, 1941, p. 86 s. 76j. Amended by No. 63, s. 5, 1954, p. 196 s. 78. Substituted by No. 63, s. 6, 1954, p. 196
Statute Law Revision Act, 1937 (1937, p. 20)	s. 5. Repealed by No. 2368, s. 2 (2), 1937, p. 102
Steam Boilers and Enginedrivers Act, 1935 (Vol. 8, p. 5)	s. 56. Amended by No. 43, s. 3, 1952, p. 122 Fifth schedule. Amended by regulations <i>Gazette</i> 15th August, 1957, p. 368, and <i>Gazette</i> 22nd October, 1959, p. 972
Stock Diseases Act, 1934 (Vol. 8, p. 39)	s. 1. Amended by No. 36, s. 2, 1956, p. 105 s. 2. Amended by No. 36, s. 18 (2), 1956, p. 108 s. 5. Amended by No. 29, ss. 3 and 4 (1), 1946 pp. 132, 133, by No. 36, s. 3, 1956, p. 105, by No. 19, s. 3, 1959, p. 47, and by No. 42, s. 3, 1962, p. 124 s. 6. Amended by No. 29, s. 4 (2), 1946, p. 133 s. 8. Amended by No. 36, s. 4, 1956, p. 105, by No. 18, s. 3, 1961, p. 54, and by No. 42, s. 4, 1962, p. 124 s. 8a. Enacted by No. 64, s. 2, 1954, p. 197, and amended by No. 36, s. 5, 1946, p. 106 s. 10a. Enacted by No. 31, s. 2, 1941, p. 115 s. 10b. Enacted by No. 31, s. 2, 1941, p. 116 s. 11. Amended by No. 36, s. 6, 1956, p. 106 s. 12. Amended by No. 36, s. 7, 1956, p. 106 s. 13. Amended by No. 36, s. 8, 1956, p. 106 s. 14. Amended by No. 36, s. 9, 1956, p. 106 s. 15. Amended by No. 36, s. 10, 1956, p. 106 s. 16. Amended by No. 36, s. 11, 1956, p. 107 s. 18. Amended by No. 29, s. 5, 1946, p. 133 s. 19. Amended by No. 29, s. 6 (1), 1946, p. 133, by No. 36, s. 12 (1), 1956, p. 107, and by No. 42, s. 5, 1962, p. 125 s. 20. Amended by No. 29, s. 7, 1946, p. 134 s. 23. Amended by No. 36, s. 13, 1956, p. 107 s. 24. Amended by No. 36, s. 14, 1956, p. 108 s. 28. Amended by No. 36, s. 15, 1956, p. 108 s. 29. Substituted by No. 29, s. 8, 1946, p. 134 s. 30. Substituted by No. 29, s. 9, 1946, p. 134 s. 31. Substituted by No. 29, s. 10, p. 135 and amended by No. 36, s. 16, 1956, p. 108 s. 32. Substituted by No. 36, s. 17, 1956, p. 108 s. 37. Repealed by No. 29, s. 11, 1946, p. 136 ss. 38 to 40. Repealed by No. 36, s. 18 (1), 1956, p. 108 s. 41. Repealed by No. 29, s. 11, 1946, p. 136 s. 42. Amended by No. 29, s. 14, 1946, p. 136, and by No. 36, s. 20, 1956, p. 109 s. 43aa. Enacted by No. 36, s. 19, 1956, p. 109 s. 43a. Enacted by No. 31, s. 3, 1941, p. 116 s. 48. Amended by No. 29, s. 4 (3), 1946, p. 133 Second schedule. Repealed by No. 29, s. 4 (4), 1946, p. 133 Third schedule. Repealed by No. 36, s. 12 (2), 1956, p. 107

Act Affected.	How Affected.
Stock Diseases Act, 1934 (Vol. 8, p. 39) —continued.	Fourth schedule. Repealed by No. 29, s. 4 (4), 1946, p. 133
Stock Foods Act, 1941 (1941, p. 118)	s. 4. Amended by No. 37, s. 4, 1956, p. 110 s. 8. Amended by No. 18, s. 2, 1948, p. 99 s. 15. Amended by No. 10, s. 2, 1944, p. 22 s. 16. Amended by No. 10, s. 3, 1944, p. 22
Stock Medicines Act, 1939 (1939, p. 133)	s. 3. Amended by No. 54, s. 37, 1955, p. 182, and by No. 37, s. 3, 1956, p. 110
Subdivided Land Debts Act, 1932-1934 (Vol. 8, p. 83)	s. 15. <i>Lake Beach Estate Limited v. Mitchell</i> (1939) S.A.S.R. 209, reversing <i>Lake Beach Estate Limited v. Mitchell</i> (1938) S.A.S.R. 280
Succession Duties Act, 1929-1936 (Vol. 8, p. 90)	This Act, as amended by No. 21, 1939, p. 112, No. 62, 1940, p. 309, and No. 23, 1942, p. 65, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 144. See also the following paragraph
Succession Duties Act, 1929-1942 (1942, p. 144)	s. 3. Amended by No. 52, s. 3, 1959, p. 3 s. 4. Amended by No. 51, s. 3, 1952, p. 152. <i>Ashby and another v. The Commissioner of Succession Duties (South Australia)</i> (1942) 67 C.L.R. 284; 16 A.L.J. 259, reversing <i>Ashby and another v. The Commissioner of Succession Duties</i> (1942) S.A.S.R. 102 <i>Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties</i> (1945) S.A.S.R. 34 s. 8. <i>In re Murphy, deceased</i> (1951) S.A.S.R. 28 s. 9a. Enacted by No. 49, s. 3, 1954, p. 134 s. 9b. Enacted by No. 57, s. 3, 1955, p. 203 s. 10a. Enacted by No. 28, s. 2, 1943, p. 73 s. 12. Amended by No. 51, s. 4, 1952, p. 152 s. 13a. Enacted by No. 49, s. 3, 1951, p. 135 s. 20. Amended by No. 51, s. 5, 1952, p. 153 <i>Elder's Trustee and Executor Company Limited v. The Commissioner of Succession Duties</i> (1945) S.A.S.R. 34. s. 32. Amended by No. 51, s. 6, 1952, p. 153 s. 34. Amended by No. 51, s. 7, 1952, p. 153 s. 35. Amended by No. 51, s. 8, 1952, p. 153 s. 35 (3). <i>Freeman v. The Commissioner of Succession Duties</i> (1945) S.A.S.R. 139 <i>In re Wright deceased: Western v. Commissioner of Succession Duties</i> (1957) S.A.S.R. 332 s. 39a. Amended by No. 51, s. 9, 1952, p. 153 s. 46 (1). <i>In re Gebhardt</i> (1943) S.A.S.R. 380 s. 51. Amended by No. 51, s. 10, 1952, p. 153 s. 55a. Amended by No. 42, s. 3, 1952, p. 120 s. 55aa. Enacted by No. 49, s. 4, 1951, p. 136 s. 55b. Amended by No. 28, s. 3, 1943, p. 74 ss. 55e. to 55h. Enacted by No. 52, s. 4, 1959, pp. 199-201 s. 56a. Enacted by No. 50, s. 3, 1949, p. 173 s. 59. <i>Commissioner of Succession Duties (S.A.) v. Executor Trustee and Agency Company of South Australia Limited and others</i> (1947) 74 C.L.R. 358; 21 A.L.J. 210, reversing <i>In re Clifford; Executor Trustee and Agency Company of South Australia Limited and others v. The Commissioner of Succession Duties</i> (1946) S.A.S.R. 31 s. 61a. Enacted by No. 35, s. 3, 1950, p. 102 s. 63a. Amended by No. 57, s. 4, 1955, p. 205 and by No. 32, s. 6, 1962, p. 86 s. 65. Amended by No. 51, s. 11, 1952, p. 153

Table of Amendments and Cases.

Act Affected.	How Affected.
Succession Duties Act, 1929-1942 (1942, p. 144)— <i>continued</i> .	Second schedule. Substituted by No. 51, s. 12, 1952, p. 153 and amended by No. 49, s. 4, 1954, p. 134, and by No. 52, s. 5, 1959, p. 202 Third schedule. Repealed by No. 51, s. 12, 1952, p. 153
Superannuation Act, 1926-1935 (Vol. 8, p. 129)	s. 3. Amended by No. 65, s. 4, 1954, p. 201, and by No. 40, s. 4, 1961, p. 120 s. 3a. Enacted by No. 57, s. 3, 1958, p. 214, and amended by No. 40, s. 5, 1961, p. 121 s. 5. Amended by No. 40, s. 6, 1961, p. 121 s. 7. Amended by No. 40, s. 7, 1961, p. 121 s. 8. Amended by No. 50, s. 2, 1946, p. 231 s. 12. Amended by No. 44, s. 3, 1955, p. 136 s. 13. Amended by No. 44, s. 4, 1955, p. 136 s. 16. Amended by No. 44, s. 5, 1955, p. 137 s. 21. Amended by No. 50, s. 3, 1946, p. 231 s. 22a. Enacted by No. 32, s. 4, 1951, p. 68 and amended by No. 65, s. 5, 1954, p. 202 s. 23. Amended by No. 50, s. 4, 1946, p. 232, by No. 12, s. 4, 1948, p. 74, by No. 62, s. 3, 1949, p. 223, and by No. 40, s. 8, 1961, p. 121 s. 23a. Enacted by No. 65, s. 6, 1954, p. 202, and amended by No. 40, s. 9, 1961, p. 122 s. 24. Substituted by No. 12, s. 5, 1948, p. 75 and amended by No. 65, s. 7, 1954, p. 203, by No. 44, s. 6, 1955, p. 137, by No. 57, s. 4, 1958, p. 215, and by No. 40, s. 10, 1961, p. 122 s. 24a. Enacted by No. 29, s. 3, 1942, p. 87, substituted by No. 12, s. 5, 1948, p. 76 and further substituted by No. 65, s. 8, 1954, p. 204, and amended by No. 44, s. 7, 1955, p. 137, and by No. 38, s. 3, 1956, p. 112 s. 24aa. Enacted by No. 57, s. 5, 1958, p. 216, and amended by No. 40, s. 11, 1961, p. 124 s. 24b. Enacted by No. 29, s. 3, 1942, p. 88, and substituted by No. 12, s. 5, 1948, p. 79, and amended by No. 40, s. 12, 1961, p. 124 s. 24ba. Enacted by No. 12, s. 5, 1948, p. 78 and amended by No. 65, s. 9, 1954, p. 205, by No. 44, s. 8, 1955, p. 137, and by No. 40, s. 13, 1961, p. 125 s. 24bb. Enacted by No. 12, s. 5, 1948, p. 79, and amended by No. 51, s. 3, 1953, p. 150 s. 24bc. Enacted by No. 12, s. 5, 1948, p. 79, and substituted by No. 40, s. 14, 1961, p. 125 s. 24bd. Enacted by No. 12, s. 5, 1948, p. 79, and substituted by No. 44, s. 9, 1955, p. 137, and amended by No. 40, s. 15, 1961, p. 125 s. 24be. Enacted by No. 12, s. 5, 1948, p. 79 and repealed by No. 40, s. 16, 1961, p. 126 s. 24c. Enacted by No. 29, s. 3, 1942, p. 89 s. 24d. Enacted by No. 50, s. 6, 1946, p. 232, and repealed by No. 12, s. 6, 1948, p. 80 s. 25. Substituted by No. 65, s. 11, 1954, p. 206 s. 26. Substituted by No. 12, s. 7, 1948, p. 80 and amended by No. 65, s. 12, 1954, p. 206, and by No. 40, s. 17, 1961, p. 126 ss. 26a and 26b. Repealed by No. 12, s. 8, 1948, p. 80 ss. 26c and 26d. Enacted by No. 2422, s. 3, 1938, pp. 196-197, and repealed by No. 12, s. 8, 1948, p. 80 s. 26e. Enacted by No. 14, s. 3, 1940, p. 35 s. 26f. Enacted by No. 50, s. 7, 1946, p. 233 s. 27a. Enacted by No. 65, s. 13, 1954, p. 206 s. 27b. Enacted by No. 65, s. 13, 1954, p. 207 s. 27c. Enacted by No. 40, s. 18, 1961, p. 126 s. 28. Amended by No. 50, s. 8, 1946, p. 234 s. 28a. Enacted by No. 12, s. 9, 1948, p. 81 s. 28aa. Enacted by No. 32, s. 6, 1951, p. 69, and renumbered by No. 40, s. 19, 1961, p. 126

Act Affected.	How Affected.
Superannuation Act, 1926-1935 (Vol. 8, p. 129)— <i>continued</i> .	<p>s. 28b. Enacted by No. 12, s. 9, 1948, p. 81 and amended by No. 65, s. 14, 1954, p. 207, and by No. 40, s. 20, 1961, p. 126</p> <p>s. 28ba. Enacted by No. 32, s. 7, 1951, p. 70 and substituted by No. 65, s. 15, 1954, p. 207, and amended by No. 40, s. 21, 1961, p. 126</p> <p>s. 28c. Enacted by No. 12, s. 9, 1948, p. 81, and amended by No. 44, s. 10, 1955, p. 138</p> <p>ss. 28d and 28e. Enacted by No. 12, s. 9, 1948, pp. 82, 83</p> <p>s. 29. Substituted by No. 32, s. 8, 1951, p. 70 and amended by No. 65, s. 16, 1954, p. 207</p> <p>s. 30. Repealed by No. 32, s. 8, 1951, p. 70</p> <p>s. 33. Amended by No. 40, s. 22, 1961, p. 127</p> <p>s. 34. Amended by No. 38, s. 4, 1956, p. 112</p> <p>s. 34a. Enacted by No. 32, s. 9, 1951, p. 71</p> <p>s. 39. Amended by No. 12, s. 12, 1948, p. 83, by No. 32, s. 10, 1951, p. 71, and by No. 40, s. 23, 1961, p. 127</p> <p>s. 39a. Enacted by No. 65, s. 17, 1954, p. 207</p> <p>s. 39b. Enacted by No. 40, s. 24, 1961, p. 127</p> <p>s. 40. Amended by No. 50, s. 9, 1946, p. 234</p> <p><i>In re Jennings Gould and the South Australian Superannuation Fund Board</i> (1945) S.A.S.R. 60</p> <p>s. 41. Amended by No. 40, s. 25, 1961, p. 128</p> <p>s. 42. Amended by No. 50, s. 10, 1946, p. 234, by No. 12, s. 13, 1948, p. 83, by No. 32, s. 11, 1951, p. 71, by No. 65, s. 18, 1954, p. 208, by No. 44, s. 11 (1), 1955, p. 138, by No. 57, s. 6, 1958, p. 217, and by No. 40, s. 26, 1961, p. 128</p> <p>s. 43. Amended by No. 50, s. 11, 1946, p. 234, by No. 12, s. 14, 1948, p. 83, by No. 32, s. 12, 1951, p. 71, by No. 65, s. 19, 1954, p. 208, by No. 44, s. 12 (1), (2), 1955, p. 139, by No. 57, s. 7, 1958, p. 217, by No. 66, s. 4, 1960, p. 254, and by No. 60, s. 27, 1961, p. 128</p> <p>s. 43a. Enacted by No. 32, s. 13, 1951, p. 72 and amended by No. 65, s. 20, 1954, p. 209, by No. 57, s. 8, 1958, p. 218, and by No. 40, s. 28, 1961, p. 129</p> <p>s. 44. Amended by No. 29, s. 4, 1942, p. 89, by No. 12, s. 15, 1948, p. 83, by No. 32, s. 14, 1951, p. 72, by No. 65, s. 21, 1954, p. 209, by No. 44, s. 13, 1955, p. 139, by No. 57, s. 9, 1958, p. 218, and by No. 40, s. 29, 1961, p. 129</p> <p>s. 45. Amended by No. 40, s. 30, 1961, p. 129</p> <p>s. 45a. Enacted by No. 57, s. 10, 1958, p. 218, and amended by No. 40, s. 31, 1961, p. 129</p> <p>s. 48. Amended by No. 12, s. 16, 1948, p. 83, by No. 32, s. 15, 1951, p. 72, and by No. 65, s. 22, 1954, p. 209</p> <p>s. 49. Amended by No. 29, s. 5, 1942, p. 89, by No. 12, s. 17, 1948, p. 84, by No. 32, s. 16, 1951, p. 72, by No. 65, s. 23, 1954, p. 209, by No. 44, s. 14, 1955, p. 139, by No. 57, s. 11, 1958, p. 219, and by No. 40, s. 32, 1961, p. 129</p> <p>s. 49a. Enacted by No. 57, s. 12, 1958, p. 219</p> <p>s. 49b. Enacted by No. 66, s. 5, 1960, p. 255</p> <p>s. 49c. Enacted by No. 40, s. 33, 1961, p. 130</p> <p>s. 49d. Enacted by No. 40, s. 33, 1961, p. 130</p> <p>s. 49e. Enacted by No. 40, s. 33, 1961, p. 130</p> <p>s. 50. Amended by No. 40, s. 34, 1961, p. 130</p> <p>s. 51. Amended by No. 12, s. 18, 1948, p. 84, and by No. 40, s. 35, 1961, p. 130</p> <p>s. 58. Substituted by No. 12, s. 19, 1948, p. 84</p> <p>s. 58a. Enacted by No. 12, s. 20, 1948, p. 85</p> <p>s. 59. Amended by No. 40, s. 36, 1961, p. 131</p> <p>s. 60. Amended by No. 40, s. 37, 1961, p. 131</p> <p>s. 61. Amended by No. 44, s. 15, 1955, p. 140</p> <p>s. 66a. Enacted by No. 62, s. 4, 1949, p. 224</p> <p>s. 66b. Enacted by No. 62, s. 4, 1949, p. 225</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
Superannuation Act, 1926-1935 (Vol. 8, p. 129)— <i>continued</i>	<p>s. 71a. Enacted by No. 66, s. 6, 1960, p. 255 s. 72. Amended by No. 50, s. 13, 1946, p. 236 s. 75a. Enacted by No. 40, s. 38, 1961, p. 131 s. 82. Amended by No. 40, s. 39, 1961, p. 131 s. 82a. Enacted by No. 44, s. 16, 1955, p. 140 s. 83. Amended by No. 50, s. 14, 1946, p. 236 and by No. 40, s. 40, 1961, p. 131 Schedule I. Amended by No. 12, s. 21, 1948, p. 85 Schedule II. Amended by No. 12, s. 21, 1948, p. 85 Schedule III. Enacted by No. 50, s. 15, 1946, p. 237, and amended by No. 12, s. 21, 1948, p. 85 Schedule IV. Enacted by No. 50, s. 15, 1946, p. 238, and amended by No. 12, s. 21, 1948, p. 84 Schedule V. Enacted by No. 32, s. 17, 1951, p. 72 Schedule VI. Enacted by No. 32, s. 17, 1951, p. 74 Schedule VII. Enacted by No. 65, s. 24, 1954, p. 209 Schedule VIII. Enacted by No. 65, s. 24, 1954, p. 211 Schedule IX. Enacted by No. 40, s. 41, 1961, p. 132</p>
Supreme Court Act, 1935-1936 (Vol. 8, p. 168)	<p>s. 7. Amended by No. 13, s. 3, 1952, p. 28 s. 9. Amended by No. 38, s. 3, 1944, p. 178 s. 11. Amended by No. 12, s. 3, 1955, p. 42 s. 12. Amended by No. 33, s. 3, 1947, p. 89, by No. 6, s. 3, 1951, p. 10, by No. 3, s. 13, 1955, p. 9, by No. 41, s. 3, 1958, p. 153, and by No. 71, s. 3, 1960, p. 301 s. 13a. Enacted by No. 38, s. 4, 1944, p. 179 s. 13b. Enacted by No. 38, s. 4, 1944, p. 179 s. 13c. Enacted by No. 38, s. 4, 1944, p. 179, and amended by No. 45, s. 4, 1953, p. 129 s. 13d. Enacted by No. 38, s. 4, 1944, p. 179, and substituted by No. 45, s. 5, 1953, p. 130 s. 13e. Enacted by No. 38, s. 4, 1944, p. 180 and substituted by No. 45, s. 6, 1953, p. 131 s. 13ea. Enacted by No. 45, s. 7, 1953, p. 131 s. 13eb. Enacted by No. 67, s. 3, 1960, p. 256 s. 13f. Enacted by No. 38, s. 4, 1944, p. 180 s. 13g. Enacted by No. 38, s. 4, 1944, p. 181 s. 13h. Enacted by No. 38, s. 4, 1944, p. 181, substituted by No. 33, s. 4, 1947, p. 89, and repealed by No. 45, s. 8, 1953, p. 132 s. 40. <i>Tilley v. Tilley</i> (1945) S.A.S.R. 81 s. 50. <i>Chapman v. Chapman and Holmes</i> (1946) S.A.S.R. 217 <i>Campbell v. O'Sullivan</i> (1947) S.A.S.R. 195 s. 53. Amended by No. 12, s. 4, 1955, p. 43 s. 53a. Enacted by No. 13, s. 4, 1952, p. 28 s. 59. <i>R. v. Ford</i> (1945) S.A.S.R. 118 s. 82. Amended by No. 52, s. 3, 1962, p. 167</p>
Surplus Revenue Act, 1938 (1938, p. 79)	<p>s. 3a. Enacted by No. 37, s. 3, 1951, p. 83 s. 3b. Enacted by No. 37, s. 3, 1951, p. 84</p>
Surveyors Act, 1935 (Vol. 8, p. 216) . . .	<p>s. 14. Substituted by No. 20, s. 2, 1948, p. 101 s. 16. Amended by No. 20, s. 3, 1948, p. 101 s. 17. Amended by No. 20, s. 4, 1948, p. 102 s. 18. Amended by No. 39, s. 3, 1956, p. 114 s. 19. Amended by No. 39, s. 4, 1956, p. 115 s. 20. Amended by No. 39, s. 5, 1956, p. 115 s. 30. Amended by No. 19, s. 3, 1961, p. 55 s. 34. Substituted by No. 19, s. 4, 1961, p. 55 s. 47. Amended by No. 29, s. 2, 1949, p. 90, and by No. 39, s. 6, 1956, p. 115 Third schedule. Amended by No. 29, s. 3, 1949, p. 90</p>
Survival of Causes of Action Act, 1940 (1940, p. 313).	<p>s. 3. <i>Sellick v. De Young</i> (1955) S.A.S.R. 191</p>

Act Affected.	How Affected.
Swine Compensation Act, 1936 (Vol. 8, p. 234)	<p>s. 4. Amended by No. 29, s. 2, 1940, p. 82, by No. 20, s. 2, 1946, p. 107, by No. 11, s. 2, 1951, p. 17, and by No. 10, s. 3, 1960, p. 27</p> <p>s. 4a. Enacted by No. 10, s. 4, 1960, p. 28</p> <p>s. 5. Amended by No. 20, s. 3, 1946, p. 107</p> <p>s. 6. Amended by No. 29, s. 3, 1940, p. 82, by No. 20, s. 4, 1946, p. 108, by No. 38, s. 2, 1951, p. 85, and by No. 23, s. 2, 1954, p. 71</p> <p>s. 7. Amended by No. 20, s. 5, 1946, p. 108</p> <p>s. 8. Amended by No. 29, s. 4, 1940, p. 82, by No. 20, s. 6, 1946, p. 108, by No. 23, s. 3, 1954, p. 71, and by No. 43, s. 3, 1962, p. 126</p> <p>s. 9. Amended by No. 29, s. 5, 1940, p. 83</p> <p>s. 12. Amended by No. 29, s. 6, 1940, p. 83 and by No. 43, s. 4, 1962, p. 127</p> <p>s. 13. Amended by No. 29, s. 7, 1940, p. 83, and by No. 43, s. 5, 1962, p. 127</p> <p>s. 14. Amended by No. 29, s. 8, 1940, p. 84, by No. 39, s. 3, 1951, p. 85, by No. 23, s. 4, 1954, p. 72, and by No. 43, s. 6, 1962, p. 129</p> <p>s. 15a. Enacted by No. 43, s. 7, 1962, p. 130</p> <p>s. 16. Amended by No. 20, s. 7, 1946, p. 108</p>
Testators Family Maintenance Act, 1918 (Vol. 8, p. 253)	<p>s. 2. Amended by No. 29, s. 3, 1943, p. 75</p> <p>s. 3. <i>In re Harris</i> (1936) S.A.S.R. 497 <i>In re Whiting</i> (1938) S.A.S.R. 188 <i>In re Schwerdt</i> (1939) S.A.S.R. 333 <i>In re Gerloff</i> (1941) S.A.S.R. 156 <i>In re Naffin deceased, Naffin and others v. Naffin and others</i> (1941) S.A.S.R. 294 <i>In re Small, Harris v. Public Trustee and another</i> (1942) S.A.S.R. 183 <i>In re Wade</i> (1946) S.A.S.R. 131 <i>In re Preece</i> (1947) S.A.S.R. 134 <i>In re Traeger</i> (1949) S.A.S.R. 180 <i>In re Wheare</i> (1950) S.A.S.R. 61 <i>In the estate of Woollard, deceased</i> (1953) S.A.S.R. 173</p> <p>s. 4. Amended by No. 29, s. 4, 1943, p. 76 <i>In re Traeger, deceased</i> (1948) S.A.S.R. 248</p> <p>s. 5. Amended by No. 29, s. 5, 1943, p. 77 <i>In re Traeger</i> (1949) S.A.S.R. 180</p> <p>s. 13. <i>In re Whiting</i> (1938) S.A.S.R. 188</p>
Town Planning Act, 1929 (Vol. 8, p. 261)	<p>This Act, as amended by No. 55, 1955, p. 183 and No. 46, 1956, p. 130, and with notes of judicial decisions, is reprinted in the 1956 volume, p. 278 <i>See also</i> the following paragraph</p>
Town Planning Act 1929-1956 (1956, p. 278)	<p>s. 3. Amended by No. 52, s. 2, 1957, p. 153</p> <p>s. 11. Amended by No. 52, s. 3 (1), 1957, p. 153</p> <p>s. 12. Amended by No. 52, s. 3 (2), 1957, p. 154</p> <p>s. 12a. Amended by No. 52, ss. 3 (3), 4, 1957, p. 154 <i>The Queen v. The Town Planning Committee ex parte Sky Estate Limited</i> (1958) S.A.S.R. 1</p> <p>s. 13. Amended by No. 52, s. 3 (4), 1957, p. 154</p> <p>s. 13a. Amended by No. 52, s. 3 (5), 1957, p. 154 <i>The Queen v. The Town Planning Committee ex parte Skye Estate Limited</i> (1958) S.A.S.R. 1</p> <p>s. 14. Amended by No. 52, s. 5, 1957, p. 155</p> <p>s. 26. Amended by No. 52, s. 6, 1957, p. 155</p> <p>s. 31. Amended by No. 52, s. 7, 1957, p. 158</p>
Trading Stamp Act, 1924-1935 , (Vol. 8, p. 280)	<p>s. 5. <i>Goodwins (Adelaide) Limited v. Brebner</i> (1962) S.A.S.R. 78</p> <p>s. 5a (2). <i>Rex v. Morgan. Ex parte Home Benefits (Proprietary) Limited</i> (1938) S.A.S.R. 266 <i>Home Benefits Proprietary Limited v. Crafter; Household Benefits Proprietary Limited v. Crafter</i> (1938-1939) 61 C.L.R. 701; 13 A.L.J. 93</p>

Table of Amendments and Cases.

Act Affected.	How Affected.
The Travelling Stock Waybills Act, 1911-1936 (Vol. 8, p. 286)	<p>s. 3. Amended by No. 23, s. 2, 1956, p. 59 s. 4. Amended by No. 23, s. 3, 1956, p. 59 s. 5. Amended by No. 15, s. 2, 1947, p. 36, by No. 23, s. 4, 1956, p. 60, and by No. 14, s. 3, 1960, p. 37 s. 6. Amended by No. 15, s. 3, 1947, p. 36, and by No. 23, s. 5, 1956, p. 60 s. 7. Amended by No. 23, s. 6, 1956, p. 61 s. 8. Amended by No. 23, s. 7, 1956, p. 61 s. 9. Amended by No. 23, s. 8, 1956, p. 61 s. 11. Amended by No. 23, s. 9, 1956, p. 61 Second schedule. Amended by No. 23, s. 10, 1956, p. 62</p>
Trustees Act, 1936 (Vol. 8, p. 303)	<p>This Act, as amended by No. 2346, 1937, p. 20, No. 10, 1940, p. 20, No. 49, 1941, p. 212, and No. 14, 1942, p. 43, and with notes of judicial decisions, is reprinted in the 1942 volume, p. 185. <i>See also</i> the following paragraph</p>
Trustee Act, 1936-1942 (1942, p. 185) . .	<p>s. 5. Amended by No. 5, s. 3, 1950, p. 7 s. 7. Amended by No. 24, s. 3, 1946, p. 119 s. 35b. Enacted by No. 52, s. 3, 1953, p. 152 s. 37. Amended by No. 5, s. 4, 1950, p. 7 s. 41. Amended by No. 5, s. 5, 1950, p. 8 s. 49. <i>In re James deceased: Bagots Executor and Trustee Company Limited and another v. McGregor and others</i> (1949) S.A.S.R. 143 s. 59. Amended by No. 5, s. 6, 1950, p. 8 s. 60. <i>In the Matter of the Trusts of the Church of Saint Jude, Brighton</i> (1956) S.A.S.R. 46</p>
Unclaimed Moneys Act, 1891-1935 (Vol. 8, p. 345)	<p>s. 6. Amended by No. 20, s. 3, 1962, p. 50 s. 7a. Enacted by No. 20, s. 4, 1962, p. 50 s. 8. Amended by No. 20, s. 5, 1962, p. 51 s. 9. Amended by No. 20, s. 6, 1962, p. 51.</p>
University of Adelaide Act, 1935-1936 (Vol. 8, p. 352)	<p>s. 3. Amended by No. 9, s. 2, 1950, p. 17 s. 12. Amended by No. 10, s. 3, 1942, p. 23 ss. 18a to 18i. Enacted by No. 9, s. 3, 1950, pp. 18-20 s. 24. Amended by No. 10, s. 4, 1942, p. 24 s. 25. Amended by No. 2340, s. 2, 1937, p. 3, and by No. 9, s. 3, 1943, p. 17 s. 26. Amended by No. 2340, s. 3, 1937, p. 3 s. 26a. Enacted by No. 9, s. 3, 1946, p. 34 s. 27. Repealed by No. 2340, s. 4, 1937, p. 4 Third schedule. Repealed by No. 2340, s. 5, 1937, p. 4</p>
Uranium Mining Act, 1949 (1949, p. 54)	<p>s. 2a. Enacted by No. 51, s. 3, 1954, p. 139 ss. 4a to 4l. Enacted by No. 18, s. 3, 1952, pp. 39-45 s. 5. Repealed by No. 18, s. 4, 1952, p. 45 s. 5a. Enacted by No. 22, s. 3, 1951, p. 41</p>
Vermin Act, 1931-1936 (Vol. 8, p. 396)	<p>s. 4. Amended by No. 13, s. 6 (1), 1945, p. 43 s. 8. Amended by No. 50, s. 4 (1), 1957, p. 144 s. 9a. Enacted by No. 36, s. 2, 1942, p. 126 s. 10. Amended by No. 50, s. 4 (2), 1957, p. 144 s. 12. Amended by No. 7, s. 2, 1953, p. 17, and by No. 50, s. 4 (3), 1957, p. 144 s. 13. Amended by No. 50, s. 4 (4), 1957, p. 144 s. 17. Amended by No. 50, s. 4 (5), 1957, p. 144 s. 20. Amended by No. 50, s. 2, 1957, p. 143 s. 22. Amended by No. 13, s. 2 (2), 1945, p. 44 s. 22a. Enacted by No. 13, s. 2 (1), 1945, p. 44 and amended by No. 32, s. 3, 1959, p. 100 <i>Lewis v. Jacobs</i> (1958) S.A.S.R. 231 s. 23. Amended by No. 13, s. 2 (3), 1945, p. 45 by No. 24, s. 2, 1954, p. 73, and by No. 50, ss. 3, 4 (6), (7), 1957, pp. 144, 145, and by No. 32, s. 4, 1959, p. 100</p>

Act Affected.	How Affected.
Vermin Act, 1931-1936 (Vol. 8, p. 396) <i>—continued</i>	s. 23a. Amended by No. 50, s. 4 (8), 1957, p. 145 s. 24. <i>Sellars v. Gill</i> (1956) S.A.S.R. 1 s. 25. Amended by No. 13, s. 2 (4), 1945, p. 45 s. 36. Substituted by No. 44, s. 3, 1962, p. 131 s. 37a. Enacted by No. 36, s. 3, 1942, p. 127 s. 46. Amended by No. 36, s. 4, 1942, p. 128 s. 53. Amended by No. 2409, s. 3 (2), 1938, p. 98 s. 56. Substituted by No. 31, s. 2, 1944, p. 92 s. 76. Amended by No. 36, s. 5, 1942, p. 128, and by No. 8, s. 2, 1943, p. 16 s. 110a. Enacted by No. 44, s. 4, 1962, p. 132 s. 120. Amended by No. 13, s. 3, 1945, p. 47 s. 136a. Enacted by No. 13, s. 4, 1945, p. 47 s. 158. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 159 to 201. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 215. Amended by No. 2409, s. 3 (2), 1938, p. 98 ss. 222 to 224b. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 225b. Enacted by No. 24, s. 2, 1939, p. 122 s. 229. Substituted by No. 39, s. 3, 1960, p. 112 s. 234. Amended by No. 13, s. 5, 1945, p. 48 ss. 245 and 246. Repealed by No. 2409, s. 3 (2), 1938, p. 98 s. 256. Repealed by No. 2409, s. 3 (2), 1938, p. 98 Fifth schedule. Amended by No. 13, s. 2 (5), 1945, p. 45, and by No. 50, s. 4 (9), 1957, p. 145 Sixth schedule. Amended by No. 13, s. 2 (6), 1945, p. 46, and by No. 50, s. 5, 1957, p. 145
Veterinary Surgeons Act, 1935-1936 (Vol. 8, p. 511)	s. 3. Amended by No. 2414, s. 5 (1), 1938, p. 134 s. 4. Amended by No. 52, s. 2, 1952, p. 157 s. 5. Substituted by No. 52, s. 3, 1952, p. 157 s. 6. Repealed by No. 2414, s. 3, 1938, p. 133 s. 7. Amended by No. 52, s. 4, 1952, p. 158 s. 9. Repealed by No. 2414, s. 3, 1938, p. 133 s. 10. Amended by No. 52, s. 5, 1952, p. 158 s. 10a. Enacted by No. 52, s. 6, 1952, p. 158 s. 17. Amended by No. 11, s. 2, 1957, p. 33 s. 17a. Enacted by No. 52, s. 7, 1952, p. 158 s. 21. Amended by No. 11, s. 3, 1957, p. 34 s. 28. Amended by No. 52, s. 8, 1952, p. 159 s. 28a. Enacted by No. 2414, s. 4, 1938, p. 133 s. 28b. Enacted by No. 2414, s. 4, 1938, p. 133, and amended by No. 11, s. 4, 1957, p. 34 ss. 28c to 28f. Enacted by No. 2414, s. 4, 1938, pp. 133, 134 s. 30a. Enacted by No. 2414, s. 5 (2), 1938, p. 134 s. 31a. Enacted by No. 2414, s. 6, 1938, p. 135 s. 34. Amended by No. 2414, s. 5 (3), 1938, p. 135
Vine, Fruit, and Vegetable Protection Act, 1885-1936 (Vol. 8, p. 525)	s. 6. <i>Vidovic v. Strickland</i> (1950) S.A.S.R. 19 s. 8. Amended by No. 26, s. 3, 1959, p. 76
Volunteer Fire Fighters Fund Act, 1949 (1949, p. 217)	s. 13. Amended by No. 34, s. 2, 1957, p. 89
Waterworks Act, 1932-1936 (Vol. 8, p. 579)	s. 4. Amended by No. 50, s. 3, 1954, p. 136 s. 7. Repealed by No. 50, s. 4, 1954, p. 136 s. 8. Repealed by No. 50, s. 4, 1954, p. 136 s. 10. Amended by No. 53, s. 3, 1962, p. 168 s. 51. Substituted by No. 53, s. 4, 1962, p. 169 s. 69. Amended by No. 50, s. 5, 1954, p. 136 s. 71. Amended by No. 50, s. 6, 1954, p. 137 s. 83. Amended by No. 10, s. 3, 1956, p. 29 s. 89. Amended by No. 50, s. 7, 1954, p. 137 s. 90. Amended by No. 50, s. 8, 1954, p. 137 s. 102. Amended by No. 50, s. 9, 1954, p. 137 s. 103. Amended by No. 50, s. 10, 1954, p. 137 Third schedule. Repealed by No. 50, s. 11, 1954, p. 138

Table of Amendments and Cases.

Act Affected.	How Affected.
Weights and Measures Act, 1934 (Vol. 8, p. 626)	<p>s. 3. Amended by No. 27, s. 4 (2), 1940, p. 79</p> <p>s. 6. Substituted by No. 9, s. 2, 1939, p. 27</p> <p>s. 6a. Enacted by No. 54, s. 3, 1962, p. 171</p> <p>s. 7. Substituted by No. 9, s. 2, 1939, p. 28</p> <p>s. 8. Substituted by No. 9, s. 2, 1939, p. 28 and amended by No. 11, s. 3, 1953, p. 24</p> <p>s. 8a. Enacted by No. 9, s. 2, 1939, p. 28</p> <p>s. 8b. Enacted by No. 9, s. 2, 1939, p. 28</p> <p>s. 10. Repealed by No. 9, s. 3, 1939, p. 28</p> <p>s. 13. Repealed by No. 9, s. 3, 1939, p. 28</p> <p>s. 18. Amended by No. 9, s. 4 (1), 1939, p. 28</p> <p>s. 21. Amended by No. 9, s. 4 (2), 1939, p. 28</p> <p>s. 26. Amended by No. 9, s. 5, 1939, p. 29</p> <p>s. 30. Amended by No. 2383, s. 2, 1938, p. 3 and by No. 16, s. 2, 1941, p. 50</p> <p>s. 32. Amended by No. 9, s. 6, 1939, p. 29, and by No. 16, s. 3, 1941, p. 50</p> <p>s. 35. Amended by No. 9, s. 7, 1939, p. 29</p> <p>s. 37. Repealed by No. 9, s. 3, 1939, p. 28</p> <p>s. 38. Amended by No. 9, s. 4 (3), 1939, p. 28</p> <p>s. 40. Amended by No. 27, s. 2, 1940, p. 77</p> <p>s. 41. Amended by No. 27, s. 3, 1940, p. 77</p> <p>s. 45. Amended by No. 9, s. 8, 1939, p. 29</p> <p>s. 48. Amended by No. 9, s. 9, 1939, p. 30</p> <p>s. 49. Amended by No. 9, s. 4 (4), 1939, p. 29</p> <p>s. 55. Substituted by No. 9, s. 10, 1939, p. 30</p> <p>s. 56. Amended by No. 9, s. 11, 1939, p. 30, and by No. 39, s. 2, 1944, p. 182</p> <p>s. 56a. Enacted by No. 39, s. 3, 1944, p. 183 and amended by No. 42, s. 3, 1952, p. 121</p> <p>s. 57. Amended by No. 9, s. 12, 1939, p. 31, by No. 39, s. 4, 1944, p. 184, and by No. 11, s. 2, 1953, p. 23</p> <p>s. 57a. Enacted by No. 9, s. 13, 1939, p. 31, and amended by No. 11, s. 3, 1953, p. 24</p> <p>s. 57b. Enacted by No. 27, s. 4 (1), 1940, p. 78</p> <p>s. 59. Amended by No. 9, s. 4 (5), 1939, p. 29</p> <p>s. 61. Amended by No. 9, s. 4 (6), 1939, p. 29</p> <p>s. 65. Amended by No. 16, s. 4, 1941, p. 51</p> <p>s. 68. Amended by No. 9, s. 14, 1939, p. 31 and by No. 11, s. 4, 1953, p. 25</p> <p>Second schedule. Repealed by No. 9, s. 15, 1939, p. 31</p> <p>Third schedule. Amended by No. 9, s. 16, 1939, p. 32</p>
Wheat Industry Stabilization Act, 1954 (1954, p. 224)	<p>s. 8. Amended by No. 18, s. 3, 1955, p. 60</p> <p>s. 12. Amended by No. 18, s. 4, 1955, p. 61</p> <p>s. 14 <i>Loftes v. Taylor</i> (1955) S.A.S.R. 282</p>
Wheat Price Stabilization Scheme Ballot Act, 1953 (1953, p. 148)	<p>s. 2. Amended by No. 7, s. 3, 1954, p. 15</p>
Wild Dogs Act, 1931 (Vol. 8, p. 657)	<p>s. 3. Amended by No. 2392, s. 3, 1938, p. 37, and by No. 41, s. 3, 1961, p. 134</p> <p>s. 4. Amended by No. 41, s. 4, 1961, p. 135</p> <p>s. 5. Amended by No. 8, s. 2, 1953, p. 18 and by No. 41, s. 5, 1961, p. 135</p> <p>s. 6. Amended by No. 41, s. 6, 1961, p. 136</p> <p>s. 6a. Enacted by No. 41, s. 2, 1951, p. 91 and amended by No. 8, s. 2, 1954, pl 16, and by No. 41, s. 7, 1961, p. 137</p> <p>s. 7. Amended by No. 41, s. 3, 1951, p. 92, and by No. 41, s. 8, 1961, p. 137</p> <p>s. 8. Substituted by No. 41, s. 9, 1961, p. 137</p> <p>s. 8a. Enacted by No. 41, s. 3, 1948, p. 185</p> <p>s. 9. Amended by No. 8, s. 3, 1953, p. 18</p> <p>s. 10. Amended by No. 2392, s. 4, 1938, p. 37</p> <p>s. 11. Amended by No. 2392, s. 5, 1938, p. 38</p> <p>s. 12. Amended by No. 2392, s. 6, 1938, p. 38, and by No. 41, s. 4, 1948, p. 186</p>

Act Affected.	How Affected.
Wild Dogs Act, 1931 (Vol. 8, p. 657)— <i>continued</i>	s. 13. Amended by No. 2392, s. 7, 1938, p. 38 s. 14. Amended by No. 2392, s. 8, 1938, p. 38
Wills Act, 1936 (Vol. 8, p. 665)	s. 6a. Enacted by No. 11, s. 3, 1940, p. 21 s. 8. <i>In re Sanders. Hill v. Sanders</i> (1944) S.A.S.R. 22 <i>In re Haselgrove</i> (1950) S.A.S.R. 99 <i>In re Eaglestone, deceased</i> (1950) S.A.S.R. 257; 25 A.L.J. 189 <i>In re Gramp, Finck and another v. Gramp and others</i> (1952) S.A.S.R. 12 s. 11. <i>In re Pearce, deceased</i> (1946) S.A.S.R. 267; 21 A.L.J. 317 s. 17. <i>In re Rich deceased</i> (1947) S.A.S.R. 98 s. 24. <i>In re Sanders. Hill v. Sanders</i> (1944) S.A.S.R. 22 s. 25. <i>In re Marrie</i> (1938) S.A.S.R. 289; 12 A.L.J. 238 s. 27. <i>McBride v. Hudson and another</i> 35 A.L.J.R. 439 s. 30. <i>In re Ferguson deceased</i> (1947) S.A.S.R. 25; 21 A.L.J. 315 s. 36. <i>In the estate of E.F., deceased</i> (1948) S.A.S.R. 97,
Workmen's Compensation Act, 1932-1935 (Vol. 8, p. 693)	This Act, as amended by No. 2427, 1938, p. 274, No. 65, 1940, p. 339, No. 50, 1941, p. 242, No. 39, 1943, p. 120, No. 33, 1944, p. 108, and by No. 52, 1947, p. 156, by No. 23, 1950, p. 78, by No. 24, 1951, p. 45, by No. 38, 1953, p. 105, by No. 68, 1954, p. 235, by No. 49, 1955, p. 152, by No. 48, 1956, p. 149 and by No. 42, 1958, p. 155, and with notes of judicial decisions, is reprinted in the 1958 volume, p. 271. <i>See also</i> the following paragraph.
Workers' Compensation Act, 1932-1958 (1958, p. 271)	s. 4. Amended by No. 47, s. 3, 1961, p. 175 <i>Knuckey v. Wadrop</i> (1961) S.A.S.R. 215 s. 7. Amended by No. 11, s. 3, 1960, p. 29 s. 16. Amended by No. 11, s. 4, 1960, p. 29, and by No. 47, s. 4, 1961, p. 176 s. 17. Amended by No. 11, s. 5, 1960, p. 30 s. 18. Amended by No. 11, s. 6, 1960, p. 30, and by No. 47, s. 5, 1961, p. 176 s. 18a. Amended by No. 47, s. 6, 1961, p. 177 s. 25. Amended by No. 47, s. 7, 1961, p. 177 s. 26. Amended by No. 11, s. 7, 1960, p. 30, and by No. 47, s. 8, 1961, p. 177 s. 28. Amended by No. 11, s. 8, 1960, p. 31 s. 41. <i>Aubert v. South Australian Stevedoring Company Ltd and others</i> (1961) S.A.S.R. 198 s. 58a. Amended by No. 11, s. 9, 1960, p. 31 s. 69. <i>Djukic v. Adelaide Stevedoring Company Limited</i> (1960) S.A.S.R. 253 s. 82. <i>Wittenberg v. Harris</i> (1961) S.A.S.R. 138
Workmen's Liens Act, 1893-1936 (Vol. 8, p. 733)	s. 6. <i>Metropolitan Brick Company v. Hayward and another</i> (1938) S.A.S.R. 462 s. 10. <i>In re Hawker</i> (1939) S.A.S.R. 426
Wrongs Act, 1936 (Vol. 8, p. 750)	This Act, as amended by No. 18, 1939, p. 97, No. 48, 1940, p. 151, No. 14, 1944, p. 33, No. 50, 1951, p. 138, No. 42, 1952, p. 119, No. 17, 1956, p. 44, No. 49, 1956, p. 152, No. 58, 1958, p. 220, and No. 38, 1959, p. 119, and with notes of judicial decisions is reprinted in the 1959 volume, p. 352. <i>See also</i> the following paragraph.
Wrongs Act, 1936-1959 (1959, p. 352)	s. 20. <i>Public Trustee v. Bednarczyk and Kijas</i> (1959) S.A.S.R. 178 s. 23b. <i>Meynell v. Zalitis and Kowald</i> (1960) S.A.S.R. 251 s. 25. <i>Chapman v. Hearse</i> 35 A.L.J.R. 170 s. 27a. <i>Beck v. Mercantile Mutual Insurance Company another</i> (1961) S.A.S.R. 311 <i>Teubner v. Humble</i> (1962) S.A.S.R. 117 <i>Teubner v. Humble</i> 36 A.L.J.R. 362 varying

TABLE OF REGULATIONS, RULES, BY-LAWS,
PROCLAMATIONS AND NOTICES

TABLE OF REGULATIONS, RULES, BY-LAWS, PROCLAMATIONS AND NOTICES.

The following table includes, under the heading of the title of each Act, references to regulations, rules, by-laws, proclamations and notices made or given under that Act and in force as at 5th July, 1963. The reference given is to the *Government Gazette* in which the regulations, rules, by-laws, proclamations or notices are published.

References to by-laws made by local authorities are not given, but with these exceptions, the table includes references to all regulations, rules, and by-laws in force at the above date.

The table includes references to proclamations of general application, but does not include references to proclamations having only a limited or temporary application. Proclamations fixing the date of commencement of an Act or indicating the Minister of the Crown to whom the administration of an Act has been committed, are shown under the title of that Act and following the heading "Commencement" or "Administration", as the case may be, and in every appropriate case particulars are given as to the date of commencement of the Act and the Minister to whom the administration of the Act is committed. Other proclamations are shown following a reference to the section of the Act under which the proclamations were made.

The table also includes references to notices given pursuant to any provision of an Act by the Governor, a Minister of the Crown, or other authority, in cases where the notices are of general application. These references are shown following a reference to the section of the Act under which the notices were given.

The regulations, rules, by-laws, proclamations and notices referred to in this table are those in force as at 5th July, 1963.

Abattoirs Act, 1911-1950.

Administration : Committed to the Minister of Agriculture *Gazette* 12th January, 1939, p. 74.
s. 12. Proclamations : *Gazette* 14th April, 1949, p. 939 ; 16th November, 1950, p. 1205 ;
8th January, 1953, p. 1 ; 27th January, 1955, p. 170 ; 23rd June, 1955, p. 1444 ;
22nd January, 1959, p. 105 ; 10th December, 1959, p. 1447.

Regulations : *Gazette* 27th March, 1952, p. 657.

Regulations as to the Port Augusta Abattoirs : *Gazette* 9th February, 1961, p. 265 ; 6th July,
1961, p. 5 ; 8th November, 1962, p. 1290.

Regulations as to the Port Pirie Abattoirs : *Gazette* 28th August, 1958, p. 528 ; 4th May,
1961, p. 1043.

752 Table of Regulations, Rules, Proclamations, Etc.

Aboriginal Affairs Act, 1962.

Commencement : 28th February, 1963 ; *Gazette* 28th February, 1963, p. 503.

Administration : Committed to the Minister of Aboriginal Affairs *Gazette* 28th February, 1963, p. 503.

s. 18. Proclamations : *Gazette* 14th April, 1938, p. 837 ; 11th April, 1940, p. 720 ; 19th September, 1940, p. 569 ; 14th November, 1940, p. 1010 ; 29th May, 1941, p. 779 ; 24th October, 1946, p. 1046 ; 6th October, 1949, p. 846 ; 4th June, 1953, p. 1372 ; 4th March, 1954, p. 464 ; 22nd April, 1954, p. 806 ; 1st July, 1954, p. 2 ; 29th July, 1954, p. 217 ; 9th December, 1954, p. 1363 ; 9th June, 1955, p. 1325 ; 12th January, 1956, p. 42 ; 13th September, 1956, p. 577 ; 20th September, 1956, p. 626 ; 28th November, 1957, p. 1278 ; 10th April, 1958, p. 1042 ; 24th July, 1958, p. 187 ; 27th November, 1958, p. 1428 ; 5th February, 1959, p. 239 ; 8th October, 1959, p. 872 ; 17th March, 1960, p. 775 ; 23rd August, 1962, p. 385.

Regulations : *Gazette* 28th February, 1963, p. 510.

Adelaide Show Grounds (By-laws) Act, 1929.

By-laws : *Gazette* 21st August, 1930, p. 351 ; 8th January, 1948, p. 3 ; 16th August, 1956, p. 352.

Administration and Probate Act, 1919-1960.

Commencement of the Administration and Probate Act Amendment Act, 1956 : 7th December, 1956, *Gazette* 6th December, 1956, p. 1278.

Rules of the Supreme Court in its testamentary causes jurisdiction : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265 ; 22nd June, 1950, p. 1278 ; 24th December, 1952, p. 1621 ; 8th January, 1953, p. 8 ; 23rd May, 1957, p. 1201 ; 17th December, 1959, p. 1521 ; 3rd November, 1960, p. 1221.

Regulations under the Fees Regulation Act, 1927 : relating to fees payable to the Public Trustee : *Gazette* 3rd December, 1931, p. 1033 ; 24th December, 1959, p. 1545 ; relating to fees payable for Royal licence to apply for probate of deceased enemy subject's estate : *Gazette* 18th January, 1940, p. 73.

The Administration of Acts Act, 1910.

A proclamation committing the administration of any particular Act to a Minister of the Crown is noted in this table under the heading of that Act.

Administration of Justice Act, 1921-1926.

s. 5. Proclamations : *Gazette* 7th February, 1924, p. 322 ; 13th March, 1924, p. 660 ; 2nd July, 1925, p. 1 ; 17th June, 1926, p. 1509 ; 17th June, 1926, p. 1509 ; 11th November, 1926, p. 1191 ; 16th December, 1926, p. 1512 ; 20th April, 1950, p. 813 ; 29th May, 1958, p. 1587.

Rules of Court were made on 25th October, 1922, but have not been published in the *Gazette*

Adoption of Children Act, 1925-1943.

Administration : Committed to the Chief Secretary *Gazette* 16th March, 1944, p. 301.

s. 19. Arrangement with respect to Northern Territory, dated 24th February, 1953.

Regulations : *Gazette* 25th February, 1926, p. 400 ; 22nd April, 1926, p. 1087 ; 9th September, 1937, p. 662 ; 24th May, 1945, p. 818 ; 12th January, 1950, p. 89.

Rules of Court were made on 23rd December, 1926, but have not been published in the *Gazette*.

Advances for Homes Act, 1928-1958.

Commencement : 2nd April, 1929 ; *Gazette* 28th March, 1929, p. 636.

s. 83. Notice : *Gazette* 18th April, 1963, p. 947.

Regulations : *Gazette* 28th March, 1929, p. 636 ; 23rd September, 1954, p. 799.

Advances to Settlers Act, 1930-1958.

Regulations : 2nd April, 1953, p. 689 ; 16th October, 1958, p. 1074.

Agricultural Chemicals Act, 1955.

Commencement : 1st July, 1957 : *Gazette* 27th June, 1957, p. 1564.
2. 4 (3) Proclamations : *Gazette* 27th June, 1957, p. 1564 ; 21st August, 1958, p. 442.
Regulations : 8th March, 1962, p. 492.

Agricultural College Act, 1936.

Regulations : *Gazette* 19th February, 1959, p. 388.

Agricultural Graduates Land Settlement Act, 1922-1938.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st March, 1923, p. 485.
Regulations : *Gazette* 7th April, 1926, p. 979 ; 26th April, 1928, p. 870.

Agricultural Seeds Act, 1938-1957.

Commencement : 22nd June, 1939 ; *Gazette* 22nd June, 1939, p. 1458.
Regulations : *Gazette* 15th December, 1960, p. 1662.

Air Navigation Act, 1937.

Commencement : 12th January, 1938 ; *Gazette* 13th January, 1938, p. 53.

Alcohol and Drug Addicts (Treatment) Act, 1961.

Commencement : At 5th July, 1963, this Act had not been brought into operation.

Alsatian Dogs Act, 1934-1949.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1934, p. 1218.
Regulations : *Gazette* 9th January, 1936, p. 27 ; 26th January, 1950, p. 178.

Animals and Birds Protection Act, 1919-1958.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
s. 8. Proclamations :

Under s. 8 (1) (a¹) : *Gazette*, 31st July, 1947, p. 201.

Under s. 8 (1) (a²) : *Gazette* 17th January, 1963, p. 83.

Under s. 8 (1) (b) : *Gazette* 23rd June, 1921, p. 1315 ; 7th January, 1926, p. 1 ; 4th March, 1926, p. 685 ; 3rd December, 1936, p. 1195 ; 17th July, 1947, p. 94 ; 6th May, 1948, p. 923 ; 3rd March, 1949, p. 536 ; 17th April, 1958, p. 1085.

Under s. 8 (1) (b¹) : *Gazette*, 24th December, 1959, p. 1543.

Under s. 8 (1) (c) : *Gazette* 23rd July, 1925, p. 167 ; 4th March, 1926, p. 685 ; 25th March, 1926, p. 865 ; 25th November, 1926, p. 1337 ; 20th January, 1927, p. 121 ; 15th March, 1928, p. 561 ; 15th November, 1928, p. 1053 ; 29th November, 1928, p. 1137 ; 20th December, 1928, p. 1277 ; 17th January, 1929, p. 105 ; 7th March, 1929, p. 513 ; 31st October, 1929, p. 1005 ; 28th January, 1932, p. 139 ; 3rd March, 1932, p. 435 ; 29th June, 1933, p. 1093 ; 13th July, 1933, p. 47 ; 26th October, 1933, p. 900 ; 16th November, 1933, p. 1005 ; 14th December, 1933, p. 1167 ; 21st December, 1933, p. 1240 ; 25th January, 1934, p. 130 ; 22nd March, 1934, p. 843 ; 13th December, 1934, p. 1186 ; 20th December, 1934, p. 1219 ;

Animals and Birds Protection Act, 1919-1958—continued.

24th January, 1935, p. 327; 11th April, 1935, p. 1087; 28th November, 1935, p. 1285; 19th December, 1935, p. 1447; 19th December, 1935, p. 1446; 14th January, 1937, p. 34; 2nd September, 1937, p. 561; 3rd February, 1938, p. 233; 23rd November, 1939, p. 1380; 21st November, 1940, p. 1042; 9th November, 1944, p. 617; 20th December, 1956, p. 1374; 1st August, 1957, p. 272; 17th September, 1959, p. 703.

Under s. 8 (1) (d): *Gazette* 12th December, 1907, p. 1297; 6th May, 1909, p. 847; 20th May, 1909, p. 954; 9th December, 1909, p. 1127; 27th March, 1913, p. 585; 8th June, 1916, p. 1217; 3rd August, 1916, p. 181; 1st February, 1917, p. 239; 5th April, 1923, p. 773; 24th December, 1925, p. 1661; (partly revoked 17th February, 1927, p. 337); 17th June, 1926, p. 1509; 6th September, 1928, p. 529; 31st October, 1929, p. 1005; 25th December, 1930, p. 1293; 17th December, 1931, p. 1115; 29th March, 1934, p. 931; 21st February, 1935, p. 548; 16th September, 1937, p. 697; 28th April, 1938, p. 898; 28th July, 1938, p. 165; 13th October, 1938, p. 975; 6th April, 1939, p. 835; 14th September, 1939, p. 745; 11th January, 1940, p. 34 (republished 18th January, 1940, p. 70); 12th December, 1940, pp. 1425, 1426; 30th January, 1941, p. 95; 27th March, 1941, p. 439; 30th October, 1941, p. 845; 26th August, 1943, p. 230; 25th November, 1943, p. 691; 21st September, 1944, p. 357; 28th February, 1946, p. 341; 2nd September, 1948, p. 906; 2nd September, 1948, p. 906; 28th October, 1948, p. 1345; 6th April, 1950, p. 726; 24th August, 1950, p. 461; 4th October, 1951, p. 829; 3rd April, 1952, p. 717; 19th March, 1953, p. 517; 25th February, 1954, p. 399; 11th March, 1954, p. 515; 28th October, 1954, p. 1076; 23rd June, 1955, p. 1443; 22nd September, 1955, p. 665; 13th September, 1956, p. 578; 14th March, 1957, p. 517; 18th July, 1957, p. 112; 5th September, 1957, p. 519; 5th September, 1957, p. 520; 28th November, 1957, p. 1278; 5th December, 1957, p. 1361; 19th December, 1957, p. 1529; 6th March, 1958, p. 757; 13th March, 1958, p. 791; 5th February, 1959, p. 239; 30th July, 1959, p. 285; 13th August, 1959, p. 394; 18th August, 1960, p. 442; 8th December, 1960, p. 1607; 7th December, 1961, p. 1884; 4th October, 1962, p. 913; 20th December, 1962, pp. 1755, 1756.

Under s. 8 (1) (e): *Gazette* 10th February, 1938, p. 293.

Under s. 8 (1) (f): *Gazette* 7th June, 1923, p. 1246; 12th November, 1936, p. 1065; 10th June, 1937, p. 1281.

Under s. 8 (1) (h): *Gazette* 9th September, 1954, p. 543.

s. 19a Proclamation: *Gazette* 5th February, 1959, p. 239.

Regulations: *Gazette* 11th December, 1919, p. 1462 (gun, game licence forms); 17th May, 1923, p. 1082 (shipping opossum skins, Kangaroo Island); 24th May, 1928, p. 1087 (gun, game licence fees); 20th December, 1928, p. 1278 (prohibiting sale of ducks, teal, and maned goose); 19th June, 1930, p. 1137; 19th August, 1937, p. 440 (skin dealer's fee); 13th October, 1932, p. 743 (fee for permit to take animals and birds); 26th March, 1936, p. 714 (dealers in birds and fees); 5th May, 1960, p. 1272 (gun, game licence fees).

Apiaries Act, 1931-1943.

Commencement: 22nd January, 1932; *Gazette* 21st January, 1932, p. 67.

Administration: Committed to the Minister of Agriculture *Gazette* 16th June, 1932, p. 1067.

s. 11. Proclamations: *Gazette* 19th May, 1932, p. 899; 30th November, 1933, p. 1091; 4th February, 1937, p. 229; 9th February, 1939, pp. 373 and 374; 19th November, 1942, p. 1015.

Regulations: *Gazette* 21st January, 1932, p. 68; 6th April, 1933, p. 551; 20th February, 1936, p. 457.

Apprentices Act, 1950.

Commencement: 25th January, 1951; *Gazette* 25th January, 1951, p. 115.

Administration: Committed to the Minister of Education; *Gazette* 25th January, 1951, p. 115.

Part III: Proclamations: *Gazette* 24th May, 1951, p. 1122; 7th March, 1957, p. 479; 15th May, 1958, p. 1273; 20th October, 1960, p. 1062.

s. 18. Notice: *Gazette* 24th May, 1951, p. 1124.

s. 20. Notice: *Gazette* 13th December, 1962, p. 1741.

s. 21. Notice: *Gazette* 13th December, 1962, p. 1741.

Regulations; *Gazette* 19th June, 1952, p. 1324; 29th September, 1960, p. 849.

Arbitration Act, 1891-1934.

Rules of the Local Court : *Gazette* 8th July, 1909, p. 42.

Architects Act, 1939.

Commencement : 1st March, 1940 ; *Gazette* 15th February, 1940, p. 369.

Administration : Committed to the Chief Secretary ; *Gazette* 22nd February, 1940, p. 409.

By-laws : *Gazette* 2nd May, 1940, p. 953 ; 19th September, 1946, p. 491 ; 20th August, 1953, p. 551 ; 15th June, 1961, p. 1327.

Art Gallery Act, 1939-1960.

Commencement : 1st February, 1940 : *Gazette* 18th January, 1940, p. 69.

Regulations : *Gazette* 29th August, 1940, p. 451 ; 24th July, 1952, p. 179.

Artificial Breeding Act, 1961.

Commencement : 11th June, 1962 : *Gazette* 7th June, 1962, p. 1475.

Associations Incorporation Act, 1956-1957.

Commencement : 1st March, 1957 ; *Gazette* 28th February, 1957, p. 415.

Regulations : *Gazette* 28th February, 1957, p. 420.

Auctioneers Act, 1934-1961.

Commencement : 1st January, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Audit Act, 1921-1960.

Commencement : 29th March, 1923 ; *Gazette* 29th March, 1923, p. 690.

Regulations : *Gazette* 31st October, 1940, p. 921 ; 15th April, 1943, p. 494 ; 3rd January, 1946, p. 22 ; 31st July, 1947, p. 252 ; 15th July, 1948, p. 294.

Regulations applicable to the South Australian Railways Commissioner : *Gazette* 16th March, 1944, p. 302 ; 3rd January, 1946, p. 21.

The Australian Mineral Development Laboratories Act, 1959.

Commencement : 1st January, 1960 ; *Gazette* 17th December, 1959, p. 1504.

Balliffs and Inquiry Agents Licensing Act, 1945.

Commencement : 1st April, 1946 : *Gazette* 28th March, 1946, p. 503.

Regulations : *Gazette* 28th March, 1946, p. 532.

Rules of Court : *Gazette* 9th May, 1946, p. 887.

Bakehouses Registration Act, 1945-1947.

Commencement : 7th March, 1946 ; *Gazette* 7th March, 1946, p. 385.

Regulations : *Gazette* 7th March, 1946, p. 424 ; 27th June, 1946, p. 1150 ; 3rd June, 1948, p. 1190

Barley Marketing Act, 1947-1962.

Commencement : 16th September, 1948 ; *Gazette* 16th September, 1948, p. 1068.

Regulations as to the election of the Australian Barley Board ; *Gazette* 20th September, 1948, p. 1119 ; 23rd May, 1957, p. 1203 ; 6th June, 1963, p. 1473.

General regulations : *Gazette* 11th November, 1948, p. 1498.

Benefit Associations Act, 1958.

Commencement : 1st May, 1959 ; *Gazette* 26th March, 1959, p. 647.

s. 3. Proclamations : *Gazette* 11th June, 1959, p. 1196 ; 21st April, 1960, p. 1167.

Regulations : 18th June, 1959, p. 1257.

Bills of Sale Act, 1886-1940.

Regulations appointing fees payable to the Registrar-General : *Gazette* 9th January, 1941, p. 31.

Births and Deaths Registration Act, 1936-1962.

Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 188.

Commencement of Births and Deaths Registration Act Amendment Act, 1947 : 1st July, 1948 ; *Gazette* 25th December, 1947, p. 2227.

Commencement of Births and Deaths Registration Act Amendment Act, 1959 : 1st January, 1960 ; *Gazette* 24th December, 1959, p. 1543.

Commencement of the Births and Deaths Registration Act Amendment Act, 1962 : At 5th July, 1963, this Act had not been brought into operation.

s. 8. Proclamation : *Gazette* 17th July, 1958, p. 129.

Administration : Committed to the Chief Secretary ; *Gazette* 18th February, 1937, p. 334.

Regulations : *Gazette* 10th June, 1948, p. 1198 ; 22nd March, 1951, p. 647.

Botanic Garden Act, 1935-1961.

By-laws : *Gazette* 26th May, 1949, p. 1442 ; 6th September, 1956, p. 524 ; 31st March, 1960, p. 832.

Brands Act, 1933-1961.

Commencement of section 5 of the Brands Act Amendment Act, 1955 : 1st August, 1960
Gazette 24th September, 1959, p. 759.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd January, 1935, p. 1.
ss. 14 and 18. Notice : *Gazette* 16th February, 1956, p. 301.

s. 22 (4). Proclamation : *Gazette* 24th December, 1936, p. 1322.

s. 53. Notice : *Gazette* 21st June, 1934, p. 1471.

Regulations as to sheep paint brands : *Gazette* 24th September, 1959, p. 771.

Bread Act, 1961.

Administration : Committed to the Chief Secretary *Gazette* 27th January, 1955, p. 169.

Regulations : *Gazette* 15th December, 1955, p. 1442 ; 26th July, 1956, p. 196.

Broadening of Gauge (South-Eastern Railways) Act, 1944.

Commencement : 15th February, 1945 ; *Gazette* 15th February, 1945, p. 271.

Broken Hill Proprietary Company's Steel Indenture Act, 1958.

Commencement : 12th December, 1958 ; *Gazette* 18th December, 1958, p. 1635.

Building Act, 1923-1953.

Administration : Committed to the Minister of Local Government *Gazette* 7th February, 1924, p. 324.

s. 3 (1) (b). For proclamations made under the Building Act, 1881, or the District Councils Act, 1914, see the footnote in Volume 1, p. 425, of the South Australian Statutes, 1837-1936.

s. 3 (1) (c). Proclamations :

(i.) Municipalities : *Gazette* 6th March, 1924, p. 595 ; 17th April, 1924, p. 925 ; 21st May, 1925, p. 945 ; 18th March, 1926, p. 793 ; 30th June, 1927, p. 1406 ; 16th December, 1937, p. 1710 ; 17th March, 1938, p. 607 ; 27th October, 1938, p. 1100 ; 23rd January, 1941, p. 71 ; 21st October, 1943, p. 501 ;

Building Act, 1923-1953—continued.

15th February, 1945, p. 271; 11th April, 1946, p. 573; 9th May, 1946, p. 841; 10th July, 1947, p. 37; 4th August, 1949, p. 293; 24th August, 1950, p. 461; 6th November, 1952, p. 1200; 25th February, 1954, p. 399; 12th August, 1954, p. 316; 18th November, 1954, p. 1206; 18th August, 1955, p. 345; 4th June, 1959, p. 1152; 5th November, 1959, p. 1105; 24th November, 1960, p. 1432; 13th April, 1961, p. 861.

- (ii) District Council Districts: *Gazette* 29th May, 1924, p. 1207; 4th September, 1924, p. 1451; 24th July, 1924, p. 162; 16th October, 1924, p. 1018; 12th March, 1925, p. 433; 31st March, 1927, p. 741; 8th October, 1925, p. 846; 26th June, 1930, p. 1192; 22nd September, 1927, p. 712; 22nd March, 1928, p. 605; 17th May, 1928, p. 1033; 18th July, 1929, p. 113; 31st October, 1929, p. 1008; 14th November, 1929, p. 1085; 24th, March, 1932, p. 547; 3rd November, 1932, p. 886; 30th August, 1934, p. 427; 13th August, 1936, p. 249; 8th March, 1934, p. 462; 5th December, 1935, p. 1333; 17th September, 1925, p. 680; 4th June, 1936, p. 1133; 14th January, 1926, p. 46; 29th April, 1937, p. 945; 16th September, 1937, p. 698; 10th February, 1938, p. 295; 8th December, 1938, p. 1451; 15th December, 1938, p. 1498; 9th March, 1939, p. 570; 15th June, 1939, p. 1418; 16th May, 1940, p. 1053; 11th July, 1940, p. 33; 24th October, 1940, p. 842; 6th March, 1941, p. 335; 25th September, 1941, p. 624; 26th August, 1943, p. 231; 3rd February, 1944, p. 145; 2nd November, 1944, p. 577; 18th January, 1945, p. 57; 15th February, 1945, p. 271; 7th June, 1945, p. 845; 1st November, 1945, p. 632; 24th January, 1946, p. 119; 25th July, 1946, p. 139; 24th October, 1946, p. 1045; 24th October, 1946, p. 1045, 1046; 27th March, 1947, p. 901; 27th November, 1947, p. 1711; 8th January, 1948, p. 1; 8th April, 1948, p. 731; 12th May, 1949, p. 1147; 7th July, 1949, p. 3; 29th June, 1950, p. 1328; 24th August, 1950, p. 461; 7th September, 1950, p. 601; 1st February, 1951, p. 175; 15th November, 1951, p. 1136; 6th December, 1951, p. 1393; 6th November, 1952, p. 1200; 15th October, 1953, p. 991; 5th November, 1953, p. 1164; 12th November, 1953, p. 1196; 10th December, 1953, p. 1404; 18th February, 1954, p. 289; 25th February, 1954, p. 400; 1st July, 1954, p. 1; 1st July, 1954, p. 2; 14th October, 1954, p. 975; 14th October, 1954, pp. 975-976; 25th November, 1954, p. 1261; 25th November; 1954, pp. 1261-1262; 20th January, 1955, p. 134; 28th April, 1955, p. 983, 28th April, 1955, pp. 983-984; 7th July, 1955, p. 1; 7th July, 1955, p. 2; 27th October, 1955, p. 942; 22nd December, 1955, p. 1504; 19th April, 1956, p. 740; 19th April, 1956, p. 741; 3rd May, 1956, p. 895; 21st June, 1956, p. 1550; 6th September, 1956, p. 522; 1st November, 1956, p. 963; 1st November, 1956, p. 964; 15th November, 1956, p. 1097; 20th June 1957, p. 1501; 11th July, 1957, p. 50; 11th July, 1957, p. 51; 30th January, 1958, p. 160; 3rd April, 1958, p. 993; 3rd April, 1958, p. 994; 22nd May, 1958, p. 1325; 3rd July, 1958, p. 2; 31st July, 1958, pp. 265, 266; 7th August, 1958, p. 329; 28th May, 1959, p. 1116; 4th June, 1959, pp. 1152, 1153; 11th June, 1959, p. 1197; 28th January, 1960, pp. 266, 267; 3rd March, 1960, p. 644; 26th May, 1960, p. 1437; 2nd June, 1960, p. 1500; 28th July, 1960, p. 225; 24th November, 1960, p. 1431; 15th December, 1960, p. 1645; 12th January, 1961, p. 51; 13th April, 1961, pp. 861, 862; 20th April, 1961, p. 916; 15th June, 1961, p. 1324; 22nd June, 1962, p. 1377; 6th July, 1961, p. 2; 27th July, 1961, p. 531; 31st August, 1961, p. 824; 2nd November, 1961, p. 1411; 11th January, 1962, pp. 47, 48; 15th February, 1962, p. 294; 8th March, 1962, pp. 487, 488; 19th July, 1962, pp. 109, 110; 2nd August, 1962, p. 229; 9th August, 1962, p. 270; 23rd August, 1962, p. 386; 30th August, 1962, p. 494; 13th September, 1962, p. 654; 4th October, 1962, p. 512; 15th November, 1962, p. 1391; 17th January, 1963, p. 82.

s. 3 (3). Proclamation: *Gazette* 13th January, 1944, p. 17.

s. 119. Proclamations; *Gazette* 24th August, 1950, p. 461; 11th October, 1951, p. 901; 21st August, 1952, p. 530; 21st August, 1952, p. 531; 3rd April, 1958, p. 995; 26th February, 1959, p. 401; 12th November, 1959, pp. 1152, 1153; 28th January, 1960, pp. 266, 267; 28th April, 1960, p. 1217; 1st June, 1961, p. 1245; 2nd November, 1961, p. 1410; 27th June, 1963, p. 1629.

Regulations in substitution for the second, third, fourth, sixth and seventh schedules: *Gazette*, 12th December, 1940, p. 1441. (These regulations are reprinted in the 1940 volume, pp. 416-526). Amending regulations: *Gazette* 11th April, 1946, p. 636; 5th September, 1946, p. 445; 20th November, 1947, p. 1706; 27th October, 1949, p. 1061; 27th September, 1951, p. 826; 28th August, 1952, p. 683; 30th October, 1952, p. 1149; 23rd April, 1953, p. 970; 8th April, 1954, p. 713; 28th October,

Building Act, 1923-1953—continued.

1954, p. 1079; 28th April, 1955, p. 987; 29th September, 1955, p. 715; 6th September, 1956, p. 528; 6th February, 1958, p. 491; 17th April, 1958, p. 1090; 30th October, 1958, p. 1183; 27th November, 1958, p. 1432; 14th May, 1959, p. 1033; 24th September, 1959, p. 774; 5th November, 1959, p. 1109; 17th March, 1960, p. 779; 24th November, 1960, p. 1436; 8th December, 1960, p. 1612; 9th March, 1961, p. 536; 15th February, 1962, p. 300; 7th March, 1963, p. 589.

Regulations as to qualifications of building surveyors: *Gazette* 24th October, 1946, p. 1106; 20th July, 1950, p. 157.

Regulations prescribing forms: *Gazette* 26th June, 1924, p. 1411; 27th February, 1930, p. 443.

Regulations as to travelling expenses of referees: *Gazette* 11th November, 1954, p. 1160.

Building Operations Act, 1952.

Administration: Committed to the Treasurer, *Gazette* 27th November, 1952, p. 1383.

s. 4. Proclamation: *Gazette* 12th February, 1953, p. 195.

s. 5. Proclamation: *Gazette* 12th February, 1953, p. 195.

s. 7. Proclamation: *Gazette* 12th February, 1953, p. 195.

Building Societies Act, 1881-1938.

Commencement: 16th December, 1881; *Gazette* 15th December, 1881, p. 1747.

Regulations as to fees: *Gazette* 30th March, 1882, p. 1034.

Regulations as to qualifications of auditors: *Gazette* 29th March, 1934, p. 932.

General regulations: *Gazette* 20th July, 1939, p. 199.

Bush Fires Act, 1960.

Commencement: 1st July, 1961; *Gazette* 4th May, 1961, p. 1041.

Administration: Committed to the Minister of Agriculture *Gazette* 27th July, 1961, p. 531.

Regulations; *Gazette* 1st June, 1961, p. 1252.

Rules of Court under section 77: *Gazette*, 13th September, 1956, p. 582.

Business Agents Act, 1938-1954.

Commencement: 1st April, 1939; *Gazette* 19th January, 1939, p. 122.

Regulations: *Gazette* 4th August, 1960, p. 337.

Cattle Compensation Act, 1939-1962.

Commencement: 1st March, 1940; *Gazette* 15th February, 1940, p. 369.

Administration: Committed to the Minister of Agriculture *Gazette* 15th February, 1940, p. 369.

Regulations: *Gazette* 15th January, 1940, p. 403.

Chaff and Hay Act, 1922-1938.

Regulations: *Gazette* 17th November, 1938, p. 1269.

Chaff and Hay (Acquisition Act), 1944.

Administration: Committed to the Minister of Agriculture *Gazette* 5th October, 1944, p. 415.

s. 5. Proclamation: *Gazette* 12th October, 1944, p. 447.

Regulations: *Gazette* 19th October, 1944, p. 514.

Children's Protection Act, 1936-1961.

Commencement : 1st April, 1937 ; *Gazette* 11th February, 1937, p. 286.

Chiropodists Act, 1950.

Commencement : 2nd July, 1951 ; *Gazette* 10th May, 1951, p. 1033.

Regulations : *Gazette* 20th September, 1951, p. 735 ; 21st August, 1952, p. 532.

The Church of England in Australia Constitution Act, 1961.

Commencement : 1st January, 1962 ; *Gazette* 11th January, 1962, p. 47.

Citrus Marketing Act, 1931.

Commencement : At 5th July, 1963, this Act had not been brought into operation.

Administration : Committed to the Minister of Agriculture *Gazette* 5th December, 1931, p. 1065.

Regulations for holding poll under section 39 : *Gazette* 5th December, 1931, p. 1065.

City of Whyalla Commission Act, 1944-1961.

s. 10. Notice : *Gazette* 5th April, 1945, p. 519.

s. 27a. Proclamation : *Gazette* 2nd November, 1950, p. 1065.

s. 31. Proclamation : *Gazette* 19th April, 1945, p. 551.

Regulations : *Gazette* 2nd November, 1950, p. 1068.

Civil Aviation (Carriers' Liability) Act, 1962.

Commencement : At 5th July, 1963, this Act had not been brought into operation.

Collections for Charitable Purposes Act, 1939-1947.

Commencement : 1st February, 1940 ; *Gazette* 23rd November, 1939, p. 1379.

Administration : Committed to the Chief Secretary, *Gazette* 23rd November, 1939, p. 1379.

s. 5. Proclamation : *Gazette* 23rd November, 1939, p. 1379.

s. 16. Proclamations : *Gazette* 4th December, 1947, p. 1751 ; 4th December, 1947, p. 1751-1752 ; 4th December, 1947, p. 1752 ; 26th November, 1953, p. 1308 ; 7th January, 1954, p. 1 ; 20th November, 1953, p. 1380 ; 26th May, 1960, p. 1436 ; 26th October, 1961, p. 1340.

s. 17. Proclamations : *Gazette* 27th August, 1953, p. 644 ; 4th March, 1954, p. 466 ; 21st April, 1955, p. 899 ; 10th January, 1957, p. 22 ; 2nd October, 1958, p. 971 ; 26th November, 1959, p. 1313.

Companies Act, 1962.

Commencement : 1st July, 1963 ; *Gazette* 28th February, 1963, p. 503

Administration : Committed to the Attorney-General, *Gazette* 27th June, 1963, p. 1630, ss. 22 and 353. Notice : *Gazette* 27th June, 1963, p. 1631.

s. 38. Notice : *Gazette* 27th June, 1963, p. 1631.

s. 76. Proclamation : *Gazette* 27th June, 1963, p. 1630.

s. 318. Order : *Gazette* 27th June, 1963, p. 1630.

Regulations : *Gazette* 9th May, 1963, p. 1137.

Rules of Court : *Gazette* 8th February, 1940, p. 233 (Rule 147 and the fourth schedule disallowed, *Gazette* 19th September, 1940, p. 570) ; 14th October, 1948, p. 1271.

Compulsory Acquisition of Land Act, 1925-1959.

Commencement : 27th February, 1928 ; *Gazette* 23rd February, 1928, p. 397.

Rules of Court : *Gazette* 10th May, 1928, p. 968.

Consolidation of Regulations Act, 1937.

s. 2. Proclamations : *Gazette* 1st June, 1944, p. 673 ; 20th April, 1950, p. 813.

Constitution Act, 1934-1961.

Commencement : 1st January, 1935 ; *Gazette* 20th December, 1934, p. 1217.

Control of Advertisements Act, 1916-1935.

Administration : Committed to the Minister of Immigration *Gazette* 3rd July, 1924, p. 1.
Regulations : *Gazette* 5th April, 1928, p. 726 ; 20th February, 1936, p. 458.

Control of Waters Act, 1919-1925.

Regulations : *Gazette* 25th October, 1934, p. 847.

Convicted Inebriates Act, 1913-1934.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.

s. 3. Proclamation : *Gazette* 26th February, 1914, p. 515.

Regulations : *Gazette* 16th July, 1914, p. 117 ; 2nd March, 1916, p. 413 ; 16th June, 1921, p. 1270 ; 17th July, 1924, p. 112 ; 3rd September, 1925, p. 572 ; 11th August, 1927, p. 348 ; 17th October, 1929, p. 891 ; 31st October, 1929, p. 1010.

Coroners Act, 1935-1952.

Regulations : *Gazette* 17th June, 1937, p. 1308 ; 26th April, 1951, p. 928 ; 30th June 1955, p. 1549 ; 27th July, 1961, p. 534.

Country Factories Act, 1945.

s. 2. Proclamations : *Gazette* 30th May, 1946, p. 977 ; 25th November, 1954, p. 1260 ; 3rd March, 1960, p. 642 ; 14th September, 1961, p. 948.

Regulations : *Gazette* 12th January, 1961, p. 58.

Cremation Act, 1891-1936.

Regulations : *Gazette* 27th June, 1901, p. 1324 ; 3rd March, 1904, p. 462 ; 19th April 1923, p. 866 ; 2nd October, 1930, p. 665 ; 5th February, 1942, p. 238.

Regulation under the Fees Regulation Act, 1927, relating to fees for cremation : *Gazette* 24th November, 1927, p. 1229.

Criminal Law Consolidation Act, 1935-1956.

Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.

s. 321. Proclamations : *Gazette* 6th April, 1911, p. 603 ; 26th August, 1937, p. 497 ; 16th May, 1963, 1269.

Rules of Court as to criminal appeals were made 1st September, 1925, but have not been published in the *Gazette*.

Rules of Court as to payment for transcripts and documents : *Gazette* 19th November, 1925, p. 1358.

Regulations as to costs and treatment of appellant : *Gazette* 5th November, 1925, p. 1231 ; 18th August, 1960, p. 456.

Regulations as to habitual criminals : *Gazette* 6th April, 1911, p. 606 ; 23rd November, 1916, p. 997.

Regulations as to payments to witnesses and others at criminal prosecutions : *Gazette* 7th January, 1954, p. 5 ; 31st August, 1961, p. 829.

Regulation as to payments to psychiatrists under section 77a : *Gazette* 3rd February, 1955, p. 203.

Regulation as to places of confinement under section 77 (2) : *Gazette* 6th March 1924, p. 596.

Crown Lands Act, 1929-1960.

- s. 211a. Proclamation declaring 1st February, 1954 as the day on which the 1939-1945 war ceased : *Gazette* 28th January, 1954, p. 155.
 Regulations : *Gazette* 16th October, 1941, p. 789 ; 29th November, 1956, p. 1236 ; 15th November, 1962, p. 1395.
 Regulations under the Crown Lands Act, 1929-1939, and the Fees Regulation Act, 1927, relating to the fee payable on noting instrument on Crown lease, etc. : *Gazette* 18th July, 1940, p. 86.
 Notice setting out conditions for application for licences under Part XIV : *Gazette* 19th February, 1942, p. 301.

Dairy Cattle Improvement Act, 1921-1960.

- Administration : Committed to the Minister of Agriculture *Gazette* 2nd February, 1922, p. 471.
 s. 7a. Notice : *Gazette* 30th January, 1941, p. 97.
 Regulations : *Gazette* 8th July, 1937, p. 30 ; 9th September, 1937, p. 661 ; 28th September, 1939, p. 904 ; 31st July, 1941, p. 209 ; 6th May, 1948, p. 930 ; 21st July, 1955, p. 153 ; 20th October, 1955, p. 877 ; 24th January, 1963, p. 150.

Dairy Industry Act, 1928-1958.

- Commencement : 8th August, 1929 ; *Gazette* 8th August, 1929, p. 329.
 s. 3. Proclamation : *Gazette* 5th May, 1960, p. 1268.
 General Regulations : *Gazette* 27th September, 1962, p. 799.

Dairy Produce Act, 1934-1946.

- Commencement : 13th December, 1934 ; *Gazette* 13th December, 1934, p. 1185.
 Administration : Committed to the Minister of Agriculture *Gazette* 27th May, 1937, p. 1205.
 Regulations : *Gazette* 11th April, 1935, p. 1119 ; 9th January, 1936, p. 26 ; 18th November, 1937, p. 1348.

Dangerous Drugs Act, 1934-1955.

- Commencement : 1st October, 1937 ; *Gazette* 15th April, 1937, p. 789.
 Administration : Committed to the Chief Secretary *Gazette* 15th April, 1937, p. 789.
 ss. 4 and 6. Proclamations : *Gazette* 27th March, 1958, p. 913 ; 30th July, 1959, p. 287 ; 21st April, 1960, p. 1167 ; 10th November, 1960, p. 1301 ; 21st September, 1961, p. 1028 ; 7th March, 1963, p. 585.
 Regulations : *Gazette* 23rd September, 1937, p. 797 ; 9th December, 1937, p. 1588 ; 29th January, 1942, p. 145 ; 12th June, 1947, p. 1671 ; 23rd October, 1947, p. 1301 ; 17th August, 1950, p. 331 ; 12th July, 1956, p. 50 ; 17th January, 1957, p. 61 ; 20th October, 1960, p. 1070 ; 21st September, 1961, p. 1033 ; 7th March, 1963, p. 587.

Dentists Act, 1931-1960.

- Rules of Court : *Gazette* 4th August, 1932, p. 183.
 Regulations : *Gazette* 8th December, 1904, p. 1047 ; 26th October, 1905, p. 886 ; 26th March, 1908, p. 564 ; 30th April, 1914, p. 1005 ; 31st January, 1918, p. 181 ; 24th May, 1934, p. 1315 ; 28th June, 1934, p. 1520 ; 5th July, 1934, p. 2 ; 20th June, 1940, p. 1399 ; 5th September, 1940, p. 513 ; 30th November, 1961, p. 1811.
 Regulation under the Fees Regulation Act, 1927, relating to the fee payable on publication of the register of dentists : *Gazette* 11th November, 1937, p. 1307.

Discharged Soldiers Settlement Act, 1934-1940.

- Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 644.
 Regulations : *Gazette* 2nd December, 1920, p. 1429 ; 11th August, 1921, p. 270 ; 19th January, 1922, p. 100 ; 2nd March, 1922, p. 729 ; 6th April, 1922, p. 988 ; 30th August, 1923, p. 493 ; 31st January, 1924, p. 211 ; 7th August, 1924, p. 283 ; 18th February, 1926, p. 326 ; 17th February, 1927, p. 339 ; 28th April, 1927, p. 935 ; 12th May, 1927, p. 1044 ; 21st January, 1932, p. 69 ; 7th June, 1934, p. 1395 ; 18th April, 1935, p. 1136 ; 24th December, 1936, p. 1337 ; 30th January, 1941, p. 98.

Dog Fence Act, 1946-1962.

Commencement : 17th June, 1947 : *Gazette* 12th June, 1947, p. 1637.

Administration : Committed to the Minister of Lands *Gazette* 27th February, 1947, p. 745.

ss. 19 and 21. Proclamations : *Gazette* 3rd July, 1947, p. 1 ; 2nd October, 1947, p. 970 ; 18th May, 1950, p. 1036 ; 25th August, 1960, p. 569.

Dried Fruits Act, 1934-1941.

Administration : Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.

Regulations : *Gazette* 13th January, 1955, p. 70 ; 19th January, 1956, p. 108 ; 4th October, 1956, p. 740 ; 10th January, 1957, p. 25 ; 11th July, 1957, p. 55 ; 6th March, 1958, p. 761 ; 7th August, 1958, p. 332 ; 1st October, 1959, p. 827 ; 14th December, 1961, p. 1966.

Drought Relief Act, 1940.

Administration : Committed to the Minister of Agriculture *Gazette* 15th June, 1944, p. 717.

Regulations : *Gazette*, 16th October, 1941, p. 802.

Drought and Frost Relief Act, 1944.

Administration : Committed to the Minister of Agriculture *Gazette* 22nd March, 1945, p. 447.

Regulations : *Gazette* 25th January, 1945, p. 141.

Drought Relief Act, 1945.

Administration : Committed to the Minister of Agriculture *Gazette* 7th February, 1946, p. 206.

Regulations : *Gazette* 23rd May, 1946, p. 938.

Early Closing Act, 1926-1960.

Administration : Committed to the Minister of Industry *Gazette* 8th February, 1912, p. 225.

s. 14. Proclamations : *Gazette* 15th August, 1912, p. 376 ; 15th January, 1914, p. 127 ; 19th February, 1914, p. 449 ; 9th April, 1914, p. 858 ; 30th July, 1914, p. 262 ; 20th August, 1914, p. 488 ; 27th August, 1914, p. 533 ; 27th August, 1914, p. 534 ; 10th September, 1914, p. 624 ; 3rd December, 1914, p. 1187 ; 17th December, 1914, p. 1267 ; 21st January, 1915, p. 127 ; 6th May, 1915, p. 1089 ; 10th June, 1915, p. 1333 ; 19th August, 1915, p. 691 ; 20th January, 1916, p. 93 ; 27th July, 1916, p. 125 ; 1st May, 1919, p. 798 ; 11th December, 1919, p. 1461 ; 15th April, 1920, p. 1061 ; 10th June, 1920, p. 1399 ; 4th November, 1920, p. 1168 ; 11th November, 1920, p. 1199 ; 25th August, 1921, p. 382 ; 1st September, 1921, p. 442 ; 22nd September, 1921, p. 633 ; 10th November, 1921, p. 1105 ; 15th December, 1921, p. 1388 ; 22nd December, 1921, p. 1458 ; 2nd February, 1922, p. 472 ; 16th February, 1922, p. 568 ; 23rd February, 1922, p. 640 ; 9th March, 1922, p. 787 ; 15th June, 1922, p. 1487 ; 6th July, 1922, p. 1 ; 27th July, 1922, p. 165 ; 28th June, 1923, p. 1375 ; 19th July, 1923, p. 107 ; 23rd August, 1923, p. 414 ; 11th October, 1923, p. 834 ; 21st February, 1924, p. 457 ; 11th September, 1924, p. 654 ; 8th January, 1925, p. 26 ; 5th February, 1925, p. 195 ; 29th October, 1925, p. 1161 ; 12th August, 1926, p. 372 ; 2nd December, 1926, p. 1401 ; 2nd December, 1926, p. 1402 ; 20th January, 1927, p. 121 ; 27th October, 1927, p. 1007 ; 12th April, 1928, p. 773 ; 3rd December, 1938, p. 1171 ; 6th July, 1939, p. 1 ; 30th January, 1941, p. 95 ; 9th April, 1942, p. 523 ; 8th March, 1945, p. 371 ; 11th October, 1945, p. 549 ; 7th February, 1946, p. 205 ; 8th May, 1952, p. 1005.

s. 15. Proclamation : *Gazette* 13th August, 1914, p. 425.

s. 23. Notices : *Gazette* 17th June, 1926, p. 1514 ; 24th December, 1925, p. 1665 ; 18th October, 1928, p. 903 ; 21st May, 1936, p. 1054 ; 15th September, 1938, p. 698.

s. 25e. Proclamations : *Gazette* 10th August, 1935, p. 242 ; 2nd August, 1956, p. 258 ; 21st February, 1957, p. 286 ; 12th September, 1957, p. 584 ; 22nd January, 1961, p. 1375 ; 2nd November, 1961, p. 1410 ; 17th January, 1963, p. 82.

s. 36a. Proclamations : *Gazette* 8th January, 1953, p. 2 ; 26th February, 1953, p. 345 ; 26th February, 1953, p. 345 ; 28th October, 1954, p. 1076 ; 25th August, 1955, p. 409 ; 26th April, 1956, p. 856 ; 5th October, 1961, p. 1188.

Early Closing Act, 1926-1960—continued.

- s. 59. Notices : *Gazette* 1st October, 1914, p. 769 ; 2nd January, 1936, p. 3 ; 6th October, 1927, p. 855 ; 29th May, 1913, p. 1148 ; 14th August, 1913, p. 428 ; 20th March, 1924, p. 715 ; 3rd August, 1939, p. 299 ; 6th June, 1940, p. 1258.
- s. 69. Notices : *Gazette* : 1st October, 1914, p. 769 ; 17th February, 1938, p. 368 ; 11th May 1939, p. 1084 ; 8th July, 1943, p. 29 ; 9th August, 1951, p. 352.
- Regulations : *Gazette* 2nd June, 1927, p. 1217 ; 1st December, 1932, p. 1038 ; 23rd December, 1937, p. 1810 ; 11th October, 1945, p. 550 ; 8th January, 1948, p. 3 ; 23rd March, 1961, p. 637.
- Regulations under the Fees Regulation Act, 1927, varying the fees payable for registration of shops and other fees ; *Gazette* 15th August, 1957, p. 369 ; 1st October, 1959, p. 826.

Easter Act, 1929.

Commencement : At 5th July, 1963, this Act had not been brought into operation.

Economic Stability Act, 1946.

- s. 11. Proclamations : *Gazette* 24th December, 1946, p. 1499 ; 7th August, 1947, p. 265 ; 30th October, 1947, p. 1303.

Education Act, 1915-1962.

- Commencement : 13th January, 1916 ; *Gazette* 13th January, 1916, p. 43.
- Commencement of the Education Act Amendment Act, 1960 ; 31st January, 1961 ; *Gazette* 26th January, 1961, p. 147.
- s. 40a. Proclamation : *Gazette* 4th April, 1963, p. 799.
- s. 59c. Proclamation : *Gazette* 15th May, 1958, p. 1274.
- General regulations : *Gazette* 27th April, 1962, p. 1035 ; 10th May, 1962, p. 1257 ; 17th May, 1962, p. 1296 ; 2nd August, 1962, p. 231 ; 20th September, 1962, p. 721 ; 8th November, 1962, p. 1290 ; 6th December, 1962, p. 1602 ; 13th December, 1962, p. 1696.

Electoral Act, 1929-1959.

- Commencement : 19th December, 1929 ; *Gazette* 19th December, 1929, p. 1305.
- Administration : Committed to the Attorney-General *Gazette* 20th May, 1937 p. 1150.
- s. 13. Proclamations : *Gazette* 23rd June, 1949, p. 1816 ; 8th December, 1955, p. 1273.
- s. 14. Notices : *Gazette* 13th February, 1930, p. 323 ; 20th February, 1930, p. 374 ; 13th March, 1930, p. 531 ; 17th November, 1932, p. 959 ; 1st December, 1932, p. 1040 ; 23rd February, 1933, p. 285 ; 9th March, 1933, p. 373 ; 30th March, 1933, p. 522 ; 1st February, 1934, p. 196 ; 2nd August, 1934, p. 186 ; 16th August, 1934, p. 312 ; 23rd August, 1934, p. 375 ; 30th May, 1935, p. 1464 ; 6th June, 1935, p. 1502 ; 16th January, 1941, p. 40 ; 20th February, 1941, p. 234 ; 20th March, 1941, p. 422.
- s. 80. Proclamation : *Gazette* 9th February, 1950, p. 283.
- s. 194. Proclamation : *Gazette* 20th February, 1958, p. 627.
- General regulations : *Gazette* 19th December, 1957, p. 1543 ; 13th March, 1958, p. 796 ; 7th April, 1960, p. 993 ; 10th August, 1961, p. 649.
- Regulations as to joint Commonwealth and State electoral rolls : *Gazette* 10th February, 1921, p. 279 ; 16th May, 1929, p. 1003.

Electrical Articles and Materials Act, 1940.

- Administration : Committed to the Minister of Works : *Gazette* 2nd February, 1956, p. 163.
- s. 10. Proclamation : *Gazette* 16th September, 1954, p. 694.
- s. 11. Proclamations : *Gazette* 16th September, 1954, p. 692 ; 2nd February, 1956, p. 163 ; 7th August, 1958, p. 330 ; 26th May, 1960, p. 1436 ; 6th July, 1961, p. 1 ; 5th April, 1962, p. 751.
- Regulations : *Gazette* 16th September, 1954, p. 736 ; 2nd February, 1956, p. 165 ; 7th August, 1958, p. 332 ; 26th May, 1960, p. 1442 ; 6th July, 1961, p. 9 ; 5th April, 1962, p. 753.

Electricity Act, 1943.

Administration : Committed to the Commissioner of Public Works, *Gazette* 24th February, 1944, p. 213.

Electricity Trust of South Australia Act, 1946-1954.

Commencement : 30th August, 1946 ; *Gazette* 30th August, 1946, p. 387.

Commencement of Part IVa : 6th February, 1948 ; *Gazette* 5th February, 1948, p. 311.

Administration : Committed to the Minister of Works : *Gazette* 10th October, 1946, p. 771.

s. 27 : Proclamation of 1st September, 1946, as the "appointed day" : *Gazette* 30th August, 1946, p. 387.

Regulations as to sale of liquor at Leigh Creek : *Gazette* 11th January, 1951, p. 32.

Emergency Powers Act, 1941.

Administration : Committed to the Treasurer *Gazette* 11th December, 1941, p. 1361.

s. 2. Proclamation declaring 1st February, 1954, as the day on which the 1939-1945 war ceased : *Gazette* 28th January, 1954, p. 155.

Regulations : *Gazette* 18th December, 1941, p. 1499 ; 18th December, 1941, p. 1503 ; 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326 ; 2nd April, 1942, p. 497 ; 9th April, 1942, p. 525 ; 16th April, 1942, p. 575 ; 16th April, 1942, p. 577 ; 16th April, 1942, p. 578 ; 7th May, 1942, p. 673 ; 14th May, 1942, p. 713 ; 23rd July, 1942, p. 78 ; 24th December, 1942, p. 1217 ; 4th February, 1943, p. 133 ; 18th February, 1943, p. 190 ; 25th February, 1943, p. 222 ; 4th March, 1943, p. 244 ; 25th March, 1943, p. 377 ; 1st April, 1943, p. 411 ; 15th April, 1943, p. 493 ; 22nd April, 1943, p. 499 ; 6th May, 1943, p. 600 ; 19th August, 1943, p. 227 ; 26th August, 1943, p. 231 ; 20th January, 1944, p. 53 ; 3rd February, 1944, p. 146 ; 30th March, 1944, p. 384 ; 4th May, 1944, p. 546 ; 11th May, 1944, p. 582 ; 31st August, 1944, p. 268 ; 21st December, 1944, p. 876 ; 18th January, 1945, p. 77 ; 29th March, 1945, p. 495 ; 19th April, 1945, p. 594 ; 28th March, 1946, p. 530 ; 5th January, 1950, p. 5.

The above regulations relate to the following matters :—

Administration : *Gazette* 18th December, 1941, p. 1499 ; 8th January, 1942, p. 53 ; 16th April, 1942, p. 575.

Air raid shelters : *Gazette* 8th January, 1942, p. 53.

Aliens, disqualification from holding office in councils or voting at council elections or polls : *Gazette* 14th May, 1942, p. 713.

Animals, destruction of : *Gazette* 16th April, 1942, p. 575.

Bank holiday cancellation : *Gazette* 18th December, 1941, p. 1503.

Chaff supplies : *Gazette* 31st August, 1944, p. 268.

Civil Defence Force : *Gazette* 18th December, 1941, p. 1499 ; 19th February, 1942, p. 326 ; 16th April, 1942, p. 575 ; 7th May, 1942, p. 673.

District council elections and polls : *Gazette*, 9th April, 1942, p. 525 ; 14th May, 1942, p. 713 ; 25th March, 1943, p. 377 ; 6th May, 1943, p. 600 ; 30th March, 1944, p. 384 ; 4th May, 1944, p. 546 ; 29th March, 1945, p. 495 ; 19th April, 1945, p. 594 ; 28th March, 1946, p. 530.

District councils' powers : *Gazette* 18th December, 1941, p. 1499 ; 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 4th February, 1943, p. 133 ; 25th February, 1943, p. 222 ; 1st April, 1943, p. 411 ; 31st August, 1944, p. 268.

Fire fighting materials in houses : *Gazette* 5th February, 1942, p. 238.

Fruit cases, preservation of : *Gazette* 15th April, 1943, p. 493.

General : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326.

Harbours and ports : *Gazette* 16th April, 1942, p. 578.

Hay Supplies : *Gazette* 31st August, 1944, p. 268.

Hospital employees' duties in case of attack : *Gazette* 19th February, 1942, p. 326.

Inoculation, compulsory : *Gazette* 19th February, 1942, p. 326.

Iron-tired trailers, use on improved main roads : *Gazette* 24th December, 1942, p. 1217.

Lights in buildings and streets : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 19th February, 1942, p. 326.

Lights on vehicles : *Gazette* 25th December, 1941, p. 1512 ; 8th January, 1942, p. 53 ; 5th February, 1942, p. 238 ; 23rd July, 1942, p. 78.

Medical officers under Mental Defectives Act, postponement of leave of : *Gazette*, 11th May, 1944, p. 582 ; 5th January, 1950, p. 5.

Emergency Powers Act, 1941—continued.

- Milk shelters on roads : *Gazette* 1st April, 1943, p. 411.
 Motor vehicle registration fees : *Gazette*, 4th March, 1943, p. 244.
 Municipal council elections and polls : *Gazette* 9th April, 1942, p. 525; 14th May, 1942, p. 713; 25th March, 1943, p. 377; 6th May, 1943, p. 600; 30th March, 1944, p. 384; 4th May, 1944, p. 546; 29th March, 1945, p. 495; 19th April, 1945, p. 524; 28th March, 1946, p. 530.
 Municipal councils' powers : *Gazette* 18th December, 1941, p. 1499; 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 4th February, 1943, p. 133; 25th February, 1944, p. 222; 1st April 1943, p. 411; 31st August, 1944, p. 268.
 Protection of persons and property : *Gazette* 25th December, 1941, p. 1512; 8th January, 1942, p. 53; 5th February, 1942, p. 238; 19th February, 1942, p. 326; 16th April, 1942, p. 575; 18th February, 1943, p. 190; 19th August, 1943, p. 227.
 Roof spotting : *Gazette* 19th February, 1942, p. 326; 16th April, 1942, p. 575.
 Scrub and stubble burning : *Gazette* 16th April, 1942, p. 577.
 Shareholders' returns by companies : *Gazette* 22nd April, 1942, p. 499.
 Shipping : *Gazette* 16th April, 1942, p. 578.
 Sirens, restrictions on use of : *Gazette* 25th December, 1941, p. 1499.
 Special constables, duties of employers to : *Gazette* 2nd April, 1942, p. 497.
 Traders' plates, fees payable for under the Road Traffic Act, 1934-1944 : *Gazette* 18th January, 1945, p. 77.
 Uranium, mining and disposal of : *Gazette* 21st October, 1944, p. 876.
 Vaccination, compulsory : *Gazette* 19th February, 1942, p. 326.
 Water restrictions in metropolitan area : *Gazette* 20th January, 1944, p. 53; 3rd February, 1944, p. 146.
 Weirs, locks and dams : *Gazette* 16th April, 1942, p. 575.

Notices and orders given pursuant to regulations—

- Ambulances, order by the Premier exempting from certain provisions of the Road Traffic Act, 1934-1942 : *Gazette* 6th May, 1943, p. 560.
 Blackout on 7th July, 1942, order by Premier declaring : *Gazette* 2nd July, 1942, p. 23.
 Carriage of goods by primary producers, order by Premier as to : *Gazette* 18th March, 1943, p. 331.
 Carriage of hay by primary producers to certain depots, order by Premier as to : *Gazette* 30th November, 1944, p. 748.
 Carriage of wheat by primary producers to Wallaroo, order by Premier as to : *Gazette* 27th April, 1944, p. 530.
 Delegation by Premier of powers to take possession of land, etc., *Gazette* 19th February, 1942, p. 329.
 Headlamps on motor vehicles, notice by Premier fixing date after which must be screened : *Gazette* 29th January, 1942, p. 176.
 Sirens, notice by Commissioner of Civil Defence as to use of : *Gazette* 12th February, 1942, p. 245.
 Trailers, notice by Premier exempting certain, from registration fee : *Gazette* 25th June, 1942, p. 867.
 Code for the construction of air raid shelters, published for guidance : *Gazette* 26th February, 1942, p. 358.

Employees Registry Offices Act, 1915-1956.

- Administration : Committed to the Minister of Industry and Employment *Gazette* 24th June, 1937, p. 1361.

Enfield General Cemetery Act, 1944-1960.

- Administration : Committed to the Minister of Local Government *Gazette* 11th January, 1945, p. 27.
 s. 38. Notices : *Gazette* 10th March, 1949, p. 634; 25th October, 1956, p. 920; 18th May, 1961, p. 1172; 26th April, 1963, p. 1066.
 Regulations : *Gazette* 20th February, 1947, p. 733.

Excessive Rents Act, 1962.

- Rules of Local Court : *Gazette* 20th December, 1962, p. 1771.

Explosives Act, 1936-1962

- Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 644.
 Administration : Committed to the Minister of Agriculture *Gazette* 25th March, 1937, p. 644.
 s. 20. Proclamation : *Gazette* 17th December, 1903, p. 1182.
 s. 24. Notices : *Gazette* 1st September, 1938, p. 589 ; 7th February, 1957, p. 205
 s. 30. Notices : *Gazette* 1st September, 1938, p. 474 ; 11th May, 1939, p. 1086.
 s. 48. Proclamations : *Gazette* 30th March, 1950, p. 678 ; 12th April, 1962, p. 816.
 Regulations : *Gazette* 1st September, 1938, p. 556 ; 30th March, 1950, p. 693 ; 15th February, 1951, p. 335 ; 17th January, 1952, p. 103 ; 10th December, 1953, p. 1407 ; 1st December, 1955, p. 1244 ; 19th April, 1956, p. 851 ; 28th May, 1956, p. 1059 ; 14th February, 1957, p. 228 ; 28th March, 1957, p. 647 ; 4th July, 1957, p. 5 ; 12th June, 1958, p. 1869 ; 14th August, 1958, p. 390 ; 16th April, 1959, p. 810 ; 17th September, 1959, p. 705 ; 21st January, 1960, p. 196 ; 3rd March, 1960, p. 681 ; 21st April, 1960, p. 1172 ; 26th May, 1960, p. 1440 ; 28th July, 1960, p. 229 ; 8th December, 1960, p. 1612 ; 16th March, 1961, p. 572 ; 4th May, 1961, p. 1045 ; 10th August, 1961, p. 647 ; 26th April, 1962, p. 984 ; 12th July, 1962, p. 48 ; 23rd August, 1962, p. 400 ; 13th December, 1962, p. 1697.
 Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 16th April, 1959, p. 814 ; 3rd March, 1960, p. 680.

Fair Prices Act, 1924-1935.

- Administration : Committed to the Minister of Industry *Gazette* 29th January, 1925, p. 149.

Farmers Assistance Act, 1933-1943.

- Commencement : 1st January, 1934 ; *Gazette* 21st December, 1933, p. 1239.
 Administration : Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.
 s. 12. Proclamations : *Gazette* 23rd March, 1944, p. 355 ; 25th January, 1945, p. 86 ; 25th October, 1945, p. 600 ; 21st November, 1946, p. 1279 ; 30th October, 1947, p. 1303 ; 28th October, 1948, p. 1345 ; 3rd November, 1949, p. 1085.
 Regulations : *Gazette* 4th October, 1934, p. 682.

Fauna and Flora Reserve Act, 1919-1940.

- Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.
 s. 17. Proclamations : *Gazette* 20th September, 1923, p. 678 ; 24th February, 1927, p. 397 ; 19th October, 1950, p. 945 ; 20th November, 1952, p. 1329 ; 30th November, 1961, p. 1804.
 s. 18. Proclamation : *Gazette* 5th July, 1923, p. 2.
 By-laws : *Gazette* 11th January, 1923, p. 39.

Fees Regulation Act, 1927.

- Regulations : *Gazette* 24th November, 1927, p. 1225 ; 24th November, 1927, p. 1227 ; 24th November, 1927, p. 1229 ; 17th May, 1928, p. 1036 ; 12th July, 1928, p. 46 ; 19th December, 1929, p. 1311 ; 11th September, 1930, p. 531 ; 4th December, 1930, p. 1131 ; 22nd October, 1931, p. 776 ; 3rd December, 1931, p. 1033 ; 8th June, 1933, p. 974 ; 30th August, 1934, p. 428 ; 22nd August, 1935, p. 374 ; 11th November, 1937, p. 1307 ; 18th January, 1940, p. 73 ; 18th July, 1940, p. 86 ; 19th October, 1950, p. 948 ; 10th March, 1955, p. 553 ; 17th November, 1955, p. 1116 ; 13th September, 1956, p. 581 ; 20th September, 1956, p. 629 ; 14th February, 1957, p. 228 ; 8th August, 1957, p. 313 ; 15th August, 1957, p. 368 ; 30th January, 1958, p. 162 ; 16th April, 1959, p. 814 ; 1st October, 1959, p. 818 ; 1st October, 1959, p. 821 ; 1st October, 1959, p. 824 ; 1st October, 1959, pp. 825-826 ; 1st October, 1959, p. 828 ; 22nd October, 1959, p. 972 ; 24th December, 1959, p. 1545 ; 3rd March, 1960, p. 680 ; 14th April, 1960, p. 1042 ; 20th October, 1960, p. 1070 ; 6th July, 1961, p. 18 ; 20th September, 1962, p. 722 ; 15th November, 1962, p. 1397 ; 21st March, 1963, p. 696.

Fibre and Sponges Act, 1909-1937.

- Regulations : *Gazette* 29th August, 1918, p. 501.

Financial Emergency Act, 1931-1939.

- Commencement : 23rd July, 1931 ; *Gazette* 23rd July, 1931, p. 93.
 Rules of Court : *Gazette* 17th September, 1931, p. 492.

Financial Emergency Act Extension Act, 1934.

s. 4. Notice : *Gazette* 29th November, 1934, p. 1113.

Firearms Act, 1958.

Commencement : 13th August, 1959 ; *Gazette* 13th August, 1959, p. 393.

s. 23. Proclamation : *Gazette* 27th August, 1959, p. 513 ;

Rules of Local Court as to appeals : *Gazette* 17th September, 1959, p. 708.

Regulations ; *Gazette* 2nd July, 1959, p. 5.

Fire Brigades Act, 1936-1958.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.

s. 6. Proclamations : *Gazette* 24th June, 1937, p. 1361 ; 13th January, 1938, p. 53 ; 7th July, 1938, p. 1 ; 26th January, 1939, p. 245 ; 4th May, 1939, p. 1023 ; 8th June, 1939, p. 1382 ; 6th February, 1941, p. 147 ; 12th June, 1941, p. 861 ; 17th July, 1941, p. 84 ; 5th March, 1942, p. 369 ; 11th June, 1942, p. 827 ; 16th July, 1942, p. 45 ; 24th June, 1943, p. 741 ; 30th September, 1943, p. 412 ; 22nd February, 1945, p. 310 ; 26th July, 1945, p. 99 ; 17th January, 1946, p. 72 ; 24th January, 1946, p. 119 ; 15th August, 1946, p. 251 ; 26th September, 1946, p. 673 ; 4th September, 1947, p. 642 ; 1st April, 1948, p. 691 ; 13th April, 1950, p. 781 ; 21st September, 1950, p. 694 ; 8th March, 1951, p. 528 ; 22nd October, 1953, p. 1052 ; 5th August, 1954, p. 271 ; 19th August, 1954, p. 359 ; 23rd December, 1954, p. 1544 ; 26th May, 1955, p. 1209 ; 3rd November, 1955, p. 997 ; 15th December, 1955, p. 1339 ; 12th January, 1956, p. 41 ; 12th July, 1956, p. 57 ; 28th August, 1957, p. 473 ; 6th March, 1958, p. 757 ; 3rd April, 1958, p. 996 ; 6th November, 1958, p. 1251 ; 4th February, 1960, p. 349 ; 20th April, pp. 913, 914 ; 27th April, 1961, p. 993 ; 22nd June, 1961, p. 1378 ; 7th September, 1961, p. 879 ; 9th November, 1961, p. 1579 ; 10th May, 1962, p. 1256 ; 13th December, 1962, p. 1691 ; 7th March, 1963, p. 584 ; 28th March, 1963, p. 758 ; 23rd May, 1963, p. 1334.

s. 7. Notices : *Gazette* 20th April, 1916, p. 823 ; 6th July, 1916, p. 34 ; 14th February, 1918, p. 323 ; 3rd July, 1919, p. 1 ; 2nd September, 1920, p. 525 ; 1st December, 1927, p. 1458 ; 8th December, 1927, p. 1546 ; 17th January, 1918, p. 89 ; 13th June, 1929, p. 1400 ; 20th June, 1929, p. 1487 ; 17th June, 1948, p. 1248 ; 24th June, 1948, p. 1307 ; 6th June, 1963, p. 1473.

s. 31 (1) x. Proclamation : *Gazette* 10th December, 1925, p. 1528.

By-laws relating to conditions of service for firemen : *Gazette* 19th July, 1900, p. 121.

By-laws relating to allowances and pensions : *Gazette* 11th February, 1926, p. 297 ; 3rd June, 1926, p. 1445 ; 15th July, 1926, p. 87 ; 19th August, 1926, p. 474.

Regulations : *Gazette* 29th July, 1937, p. 258 (nomination of members of the board) ; 31st May, 1906, p. 949 (volunteer fire brigades) ; 26th March, 1914, p. 748 (functions, duties, and powers of the chairman).

Fisheries Act, 1917-1962.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd July, 1924, p. 1.

s. 6. Proclamations : *Gazette* 11th March, 1937, p. 529 ; 17th June, 1937, p. 1305 ; 30th September, 1937, p. 850 ; 4th November, 1937, p. 1189 ; 2nd December, 1937, p. 1513 ; 17th February, 1938, p. 357 ; 28th April, 1938, p. 898 ; 8th September, 1938, p. 624 ; 13th October, 1938, p. 976 ; 23rd February, 1939, p. 465 ; 20th April, 1939, p. 915 ; 27th April, 1939, p. 980 ; 24th August, 1939, p. 494 ; 11th January, 1940, p. 34 ; 1st February, 1940, p. 169 ; 6th June, 1940, p. 1211 ; 5th June, 1941, p. 812 ; 9th July, 1942, p. 25 ; 5th November, 1942, p. 941 ; 26th November, 1942, p. 1047 ; 28th January, 1943, p. 91 ; 8th July, 1943, p. 27 ; 17th February, 1944, p. 87 ; 5th October, 1944, p. 415 ; 5th October, 1944, p. 416 ; 9th August, 1945, p. 177 ; 22nd November, 1945, p. 733 ; 28th February, 1946, p. 341 ; 13th June, 1946, p. 1062 ; 29th August, 1946, p. 347 ; 13th February, 1947, p. 635 ; 11th September, 1947, p. 689 ; 11th March, 1948, p. 519 ; 15th December, 1949, p. 1507 ; 1st June, 1950, p. 1151 ; 21st September, 1950, p. 695 ; 6th March, 1952, p. 510 ; 25th September, 1952, p. 895 ; 10th September, 1953, p. 735 ; 17th September, 1953, p. 768 ; 17th December, 1953, p. 1457 ; 7th January, 1954, p. 1 ; 5th August, 1954, p. 271 ; 18th November, 1954, p. 1205 ; 8th September, 1955, p. 554 ; 24th November, 1955, p. 1185 ; 12th January, 1956, p. 42 ; 10th May, 1956, p. 928 ; 14th March, 1957, p. 518 ; 8th August, 1957, p. 311 ; 26th September, 1957, p. 688 ; 5th December, 1957, p. 1361 ; 24th September, 1959, p. 759 ; 29th September, 1960, p. 845 ; 15th December, 1960, p. 1647 ; 20th December, 1962, p. 1755.

Regulations : *Gazette* 6th December, 1962, p. 1637.

768 Table of Regulations, Rules, Proclamations, Etc.

Food and Drugs Act, 1908-1962.

- s. 5. Proclamation defining "metropolitan area": *Gazette* 17th February, 1916, p. 299.
- s. 5. Proclamation declaring poison schedule: *Gazette* 23rd August, 1962, p. 381.
- s. 5b. Proclamation declaring controlled therapeutic substances: *Gazette* 23rd August, 1962, p. 384.
- s. 30a. Proclamation: *Gazette* 25th July, 1935, p. 138.
- s. 39. Proclamation: *Gazette* 29th July, 1909, p. 190.
- General regulations: *Gazette* 29th August, 1958, p. 589; 5th February, 1959, p. 243; 9th July, 1959, p. 52; 10th September, 1959, p. 671; 18th August, 1960, p. 453; 20th October, 1960, p. 1069; 24th August, 1961, p. 790; 30th November, 1961, p. 1810; 23rd August, 1962, p. 403; 14th March, 1963, p. 642; 11th April, 1963, p. 887.
- Notices by the Central Board of Health under regulation 112 of the Poison Regulations: *Gazette* 14th May, 1953, p. 1105; 2nd December, 1954, p. 1313; 6th January, 1955, p. 20; 2nd August, 1956, p. 260; 28th February, 1957, p. 417.
- Regulation under the Fees Regulation Act, 1927, relating to the fee for a licence as a dealer in poisons: *Gazette* 24th November, 1927, p. 1226.

Foot and Mouth Disease Eradication Fund Act, 1958.

Commencement: At 5th July, 1963, this Act had not been brought into operation.

Footwear Regulation Act, 1920.

Regulations: *Gazette* 12th May, 1921, p. 1020; 10th March, 1960, p. 711.

Friendly Societies Act, 1919-1961.

- s. 5. Proclamations: *Gazette* 5th May, 1921, p. 981; 7th June, 1928, p. 1209; 15th January 1931, p. 65; 14th May, 1936, p. 1002; 10th December, 1953, p. 1403; 28th June 1956, p. 1614; 14th December, 1961, p. 1963; 6th September, 1962, p. 590.
- Regulations: *Gazette* 2nd August, 1894, p. 243; 25th May, 1933, p. 882.
- Regulation under the Fees Regulation Act, 1927, relating to the fee payable to the Crown Solicitor for perusing and settling rules: *Gazette* 19th December, 1929, p. 1311.

Fruit and Vegetables (Grading) Act, 1934.

Administration: Committed to the Minister of Agriculture *Gazette* 28th January, 1937, p. 187.

- s. 4. Proclamation: *Gazette* 14th February, 1935, p. 463.

Regulations: *Gazette* 7th December, 1961, p. 1899.

Fruit and Vegetables (Prevention of Injury) Act, 1927.

Administration: Committed to the Minister of Agriculture *Gazette* 26th January, 1928, p. 149.

Regulations: *Gazette* 19th April, 1928, p. 821; 25th July, 1940, p. 181.

Fruit Cases Act, 1949.

Regulations: *Gazette* 3rd August, 1950, p. 225.

Fruit Fly Act, 1947-1956.

Regulations: *Gazette* 19th January, 1950, p. 106.

Garden Suburb Act, 1919-1960.

Commencement: 19th February, 1920; *Gazette* 19th February, 1920, p. 493.

Commencement of the Garden Suburb Act Amendment Act, 1960; 30th November, 1961; *Gazette* 30th November, 1961, p. 1805.

Administration: Committed to the Minister of Local Government *Gazette* 28th April, 1927, p. 933.

Gas Act, 1924-1961.

- Administration : Committed to the Minister of Industry and Employment, *Gazette* 23rd June, 1949, p. 1815.
- s. 5a. Proclamation : *Gazette* 3rd March, 1955, p. 467.
- s. 32. Proclamations : *Gazette* 3rd September, 1925, p. 571 ; 2nd February, 1928, p. 205 ; 8th August, 1929, p. 329.
- s. 45b. Notice specifying 2nd December, 1955, as the day for conversion : *Gazette* 1st December, 1955, p. 1252
- Regulations : *Gazette* 19th November, 1925, p. 1346 ; 24th February, 1955, p. 389 ; 18th January, 1962, p. 90.

Gold Buyers Act, 1916-1935.

- Commencement : 1st August, 1935 ; *Gazette* 11th July, 1935, p. 38.
- Regulations : *Gazette* 19th December, 1935, p. 1477 ; 5th March, 1936, p. 537 ; 23rd December, 1937, p. 1809 ; 29th June, 1939, p. 1541 ; 21st September, 1939, p. 855.

Goods (Trade Descriptions) Act, 1935.

- Commencement : 1st March, 1937 ; *Gazette* 28th January, 1937, p. 187.
- Administration : Committed to Minister of Industry and Employment *Gazette* 28th January, 1937, p. 187.
- s. 5. Proclamation : 16th February, 1956, p. 300
- Regulations : *Gazette*, 16th February, 1956, p. 303.

Guardianship of Infants Act, 1940.

- Rules of Court : *Gazette* 1st May, 1890, p. 1215.

Hairdressers Registration Act, 1939-1951.

- Commencement : 1st March, 1940 ; *Gazette* 11th January, 1940, p. 33.
- Administration : Committed to the Minister of Industry and Employment *Gazette* 11th January, 1940, p. 33.
- Regulations : *Gazette* 21st March, 1940, p. 605 ; 28th November, 1940, p. 1215 ; 11th December, 1941, p. 1402 ; 9th December, 1943, p. 755 ; 3rd January, 1946, p. 25 ; 29th July, 1948, p. 545 ; 14th October, 1948, p. 1269 ; 6th September, 1951, p. 500 ; 5th June, 1952, p. 1285 ; 11th November, 1954, p. 1159 ; 6th September, 1956, p. 566 ; 18th December, 1958, p. 1640 ; 14th April, 1960, p. 1041 ; 19th July, 1962, p. 112.
- Regulation under the Fees Regulation Act, 1927, relating to the fees payable under section 21 : *Gazette* 17th November, 1955, p. 1116.

Harbors Act, 1936-1962.

- Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 641.
- Administration of Parts II and III : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 642.
- s. 87. Proclamations (made under the Marine Board and Navigation Act, 1881) : *Gazette* 15th June, 1899, p. 1280 ; 8th September, 1904, p. 449 ; 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 13th June, 1929, p. 1399.
- s. 121. Proclamation (made under the Marine Board and Navigation Act, 1881) : *Gazette* 10th June, 1926, p. 1462.
- s. 153. Proclamation : *Gazette* 13th February, 1936, p. 397.
- s. 191. Proclamations : *Gazette* 10th September, 1914, p. 623 ; 24th September, 1914, p. 707 ; 26th November, 1914, p. 1145 ; 17th December, 1914, p. 1266 ; 25th March, 1915, p. 775 ; 3rd June, 1915, p. 1284 ; 15th July, 1915, p. 331 ; 16th June, 1921, p. 1267 ; 18th March, 1926, p. 793 ; 3rd June, 1926, p. 1421 ; 16th December, 1926, p. 1512 ; 14th April, 1927, p. 842 ; 28th April, 1927, p. 934 ; 3rd April, 1930, p. 649 ; 13th November, 1930, p. 985 ; 12th February, 1931, p. 262 ; 25th August, 1932, p. 342 ; 19th January, 1933, p. 70 ; 26th January, 1933, p. 109 ; 26th October, 1933, p. 899 ;

770 Table of Regulations, Rules, Proclamations, Etc.

Harbors Act, 1936-1962—continued.

25th January, 1934, p. 130 ; 26th April, 1934, p. 1095 ; 12th July, 1934, p. 39 ; 25th October, 1934, p. 846 ; 14th March, 1935, p. 777 ; 30th January, 1936, p. 270 ; 10th September, 1936, p. 490 ; 21st October, 1937, p. 1053 ; 29th September, 1938, p. 871 ; 18th December, 1941, p. 1461 ; 17th October, 1946, p. 999 ; 14th September, 1950, p. 655 ; 7th December, 1950, p. 1366 ; 5th March, 1953, p. 397 ; 8th October, 1953, p. 935 ; 11th July, 1957, p. 50 ; 3rd September, 1959, p. 563 ; 31st March, 1960, p. 880 ; 7th July, 1960, p. 1.

Regulations made under the Marine Board and Navigation Acts, 1881-1933, relating to matters provided for in the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 12th March, 1891, p. 768 ; 30th November, 1893, p. 1326 ; 4th November, 1897, p. 1384 ; 26th June, 1902, p. 1283 ; 2nd April, 1903, p. 618 ; 2nd August, 1906, p. 212 ; 18th October, 1906, p. 817 ; 18th July, 1907, p. 115 ; 3rd October, 1907, p. 813 ; 10th October, 1907, p. 854 ; 21st January, 1909, p. 115 ; 28th January, 1909, p. 166 ; 8th July, 1909, p. 43 ; 25th August, 1910, p. 393 ; 22nd September, 1910, p. 617 ; 30th March, 1911, p. 561 ; 15th June, 1911, p. 1177 ; 27th July, 1911, p. 159 ; 2nd November, 1911, p. 911 ; 10th April, 1913, p. 680 ; 30th October, 1913, p. 1140.

Mooring regulations : *Gazette* 26th April, 1883, p. 1429 ; 4th June, 1891, p. 1462 ; 5th May, 1892, p. 986 ; 30th November, 1893, p. 1326.

River Murray navigation regulations : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714.

Pilotage regulations : *Gazette* 26th September, 1889, p. 1354 ; 4th June, 1891, p. 1462 ; 16th February, 1899, p. 301 ; 2nd October, 1924, p. 825.

Regulations to leasing lands and construction of jetties and slips : *Gazette* 26th April, 1883, p. 1429 ; 2nd April, 1903, p. 618.

Lifesaving regulations : *Gazette* 26th April, 1883, p. 1429 ; 10th November, 1892, p. 1269.

Miscellaneous regulations : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680.

Regulations made under the Harbors Acts, 1913-1933, and the Harbors Act, 1936—

General harbor regulations : *Gazette* 26th August, 1915, p. 745 ; 4th January, 1917, p. 8 ; 21st August, 1919, p. 383 ; 21st April, 1921, p. 759 ; 23rd February, 1922, p. 641 ; 22nd March, 1923, p. 641 ; 25th October, 1923, p. 954 ; 25th June, 1925, p. 1213 ; 14th October, 1926, p. 923 ; 21st March, 1935, p. 877 ; 25th June, 1936, p. 1257 ; 13th August, 1936, p. 250 ; 15th July, 1937, p. 115 ; 12th March, 1942, p. 395 ; 22nd October, 1942, p. 682 ; 1st March, 1945, p. 340 ; 22nd January, 1948, p. 169 ; 20th July, 1950, p. 159 ; 19th August, 1954, p. 375 ; 9th December, 1954, p. 1366 ; 20th September, 1956, p. 677 ; 17th November, 1960, p. 1375 ; 16th March, 1961, p. 572 ; 25th May, 1961, p. 1202 ; 15th June, 1961, p. 1326 ; 29th June, 1961, p. 1468 ; 11th January, 1962, p. 52 ; 31st May, 1962, p. 1433.

Moorings regulations : *Gazette* 12th December, 1918, p. 1309 ; 13th May, 1926, p. 1234 ; 19th August, 1954, p. 375.

River Murray navigation regulations : *Gazette* 20th January, 1916, p. 94 ; 11th June, 1925, p. 1135 ; 15th January, 1942, p. 64 ; 20th June, 1946, p. 1099.

Pilotage regulations : *Gazette* 22nd April, 1915, p. 1001 ; 10th June, 1926, p. 1462 ; 5th May, 1927, p. 995 ; 4th July, 1929, p. 3 ; 19th August, 1954, p. 375 ; 20th September, 1956, p. 677.

Regulations for adjustments of compasses : *Gazette* 30th May, 1935, p. 1433.

Regulations for survey, &c., of vessels : *Gazette* 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 8th August, 1935, p. 237 ; 19th August, 1954, p. 375 ; 2nd March, 1961, p. 470.

Regulations for helm orders : *Gazette* 22nd December, 1932, p. 1188.

Wharfage regulations : *Gazette* 1st September, 1938, p. 472 ; 8th July 1943, p. 28 ; 20th October, 1949, p. 950 ; 19th August, 1954, p. 375 ; 23rd April, 1955, p. 985 ; 14th July, 1955, p. 61 ; 25th February, 1960, p. 579.

Storage regulations : *Gazette* 7th March, 1918, p. 442 ; 23rd September, 1915, p. 925 ; 14th February, 1952, p. 389.

Harbors Act, 1936-1962—continued.

- Haulage regulations : *Gazette* 6th July, 1916, p. 2 ; 13th September, 1951, p. 562 ; 19th August, 1954, p. 375 ; 20th January, 1955, p. 136.
- Port dues regulations : *Gazette* 19th August, 1954, p. 375.
- Tonnage rates regulations : *Gazette* 30th October, 1930, p. 892 ; 19th August, 1954, p. 375.
- Flag and sound signals at Port Adelaide : *Gazette* 29th October, 1959, p. 1085 ; 1st November, 1962, p. 1200.
- Fishing and other boats at Port Pirie : *Gazette* 12th September, 1940, p. 567.
- Speed of vessels : *Gazette* 8th September, 1960, p. 688 ; 28th June, 1962, p. 1657.
- Control of small vessels : *Gazette* 28th June, 1962, p. 1657 ; 28th March, 1963, p. 761.
- Manning of fishing vessels ; *Gazette* 4th July, 1963, p. 5
- Miscellaneous regulations : *Gazette* 26th August, 1915, p. 744 ; 23rd September, 1915, p. 925 ; 20th January, 1916, p. 94 ; 23rd March, 1916, p. 570 ; 20th April, 1916, p. 827 ; 4th January, 1917, p. 7 ; 4th January, 1917, p. 8 ; 25th January, 1917, p. 203 ; 5th September, 1918, p. 565 ; 30th January, 1919, p. 232 ; 8th May, 1919, p. 832 ; 3rd July, 1919, p. 2 ; 2nd September, 1920, p. 528 ; 23rd June, 1921, p. 1318 ; 9th February, 1922, p. 524 ; 28th June, 1923, p. 1377 ; 27th November, 1924, p. 1405 ; 22nd April, 1926, p. 1088 ; 10th February, 1927, p. 298 ; 24th February, 1927, p. 400 ; 2nd June, 1927, p. 1216 ; 27th October, 1927, p. 1008 ; 5th September 1929, p. 570 ; 21st August, 1930, p. 350 ; 30th October, 1930, p. 895 ; 11th August, 1932, p. 235 ; 22nd December, 1932, p. 1188 ; 11th January, 1934, p. 42 ; 30th August, 1934, p. 428 ; 3rd November, 1938, p. 1214 ; 26th April, 1945, p. 603 ; 27th September, 1945, p. 516 ; 18th October, 1945, p. 568 ; 4th April, 1946, p. 536 ; 11th December, 1947, p. 1997 ; 30th April, 1953, p. 1012 ; 27th February, 1957, p. 289.

Rules of Court : *Gazette* 19th April, 1917, p. 639.

Hawkers Act, 1934-1960.

Regulations : *Gazette* 14th February, 1935, p. 523.

Health Act, 1935-1961.

- Administration : Committed to the Minister of Health *Gazette* 28th February, 1952, p. 465.
- s. 5a. Proclamation : *Gazette* 9th February, 1956, p. 223.
- s. 29. Proclamations : *Gazette* 13th July, 1899, p. 57 ; 2nd November, 1899, p. 1039 ; 19th December, 1940, p. 1552.
- s. 38. Proclamations : *Gazette* 2nd November, 1899, p. 1039 ; 19th December, 1940, p. 1552.
- s. 89. Proclamations : *Gazette* 17th August, 1899, p. 344 ; 24th August, 1899, p. 407 ; 4th July, 1901, p. 1 ; 5th September, 1901, p. 503 ; 21st November, 1901, p. 1009 ; 20th March, 1902, p. 675 ; 9th January, 1908, p. 33 ; 23rd January, 1908, p. 107 ; 27th February, 1908, p. 358 ; 16th September, 1909, p. 561 ; 13th January, 1910, p. 31 ; 1st June, 1916, p. 161 ; 10th August, 1916, p. 237 ; 7th September, 1916, p. 460 ; 7th June, 1917, p. 944 ; 23rd June, 1938, p. 1485.
- Model regulations for the guidance of local boards : *Gazette* 29th June, 1899, p. 1442.
- General regulations : *Gazette* 29th June, 1961, p. 1469.
- Regulations under Part IXA : *Gazette* 16th September, 1954, p. 734.
- Regulations under Part IXB : *Gazette* 29th March, 1962, p. 661.
- Regulation under the Fees Regulation Act, 1927, relating to fees for examination of plans and inspection of bacteriolytic tanks : *Gazette* 24th November, 1927, p. 1226 ; 20th October, 1960, p. 1070.

Hide, Skin, and Wool Dealers Act, 1915-1959.

- Commencement of sections 4 and 6 of the Hide, Skin and Wool Dealers Act Amendment Act, 1959 : 29th September, 1960 ; *Gazette* 29th September, 1960, p. 846.
- Regulations : *Gazette* 26th November, 1936, p. 1150 ; 29th September, 1960, p. 849.

Highways Act, 1926-1960.

Commencement : 3rd February, 1927 ; *Gazette* 3rd February, 1927, p. 258.

Administration : Committed to the Minister of Local Government *Gazette* 10th February, 1927, p. 297.

s. 30. Proclamations : *Gazette* 9th June, 1933, p. 1285 ; 8th December, 1938, p. 1452 ; 2nd February, 1939, p. 334 ; 9th March, 1939, p. 569 ; 30th March, 1939, p. 739 ; 14th September, 1939, p. 746 ; 21st September, 1939, p. 814 ; 26th October, 1939, p. 1157 ; 23rd November, 1939, pp. 1379 and 1380 ; 4th January, 1940, p. 2 (republished 13th January, 1940, p. 70), 15th February, 1940, p. 369 ; 22nd February, 1940, pp. 409 and 410 ; 28th March, 1940, pp. 645 and 646 ; 8th August, 1940, pp. 222 and 223 ; 29th August, 1940, p. 405 ; 12th September, 1940, p. 516 ; 24th October, 1940, p. 841 ; 20th February, 1941, p. 229 ; 6th March, 1941, p. 335 ; 24th April, 1941, p. 587 ; 15th May, 1941, p. 717 ; 5th June, 1941, p. 812 ; 26th June, 1941, p. 923 ; 14th August, 1941, p. 265 ; 25th September, 1941, p. 623 ; 3rd December, 1942, p. 1089 ; 20th May, 1943, p. 628 ; 23th October, 1943, p. 544 ; 6th August, 1953, p. 448 ; 20th August, 1953, p. 539 ; 8th October, 1953, p. 936 ; 1st March, 1956, p. 419 ; 10th November, 1960, p. 1302 ; 20th April, 1961, p. 916 ; 23rd May, 1963, p. 1333.

s. 30a. Proclamation : *Gazette* 22nd December, 1960, p. 1702.

s. 30d. Notice : *Gazette* 22nd December, 1960, p. 1704.

Regulations as to the preservation of trees : *Gazette* 19th September, 1929, p. 701.

Regulations as to the opening of Birkenhead Bridge : *Gazette* 5th December, 1940, p. 1289 ; 8th July, 1954, p. 61 ; 4th October, 1962, p. 917.

Regulations as to the control of traffic, etc., at Birkenhead and Jervois Bridges : *Gazette* 8th November, 1945, p. 696.

Hire-Purchase Agreements Act, 1960-1962.

Commencement : 18th April, 1961 ; *Gazette* 8th December, 1960, p. 1605.

Regulations : *Gazette* 9th March, 1961, p. 534.

Rules of Local Court : *Gazette* 30th March, 1961, p. 783.

Holidays Act Amendment Act, 1958.

Commencement : 8th January, 1960 ; *Gazette* 17th December, 1959, p. 1504.

Homes Act, 1941-1962.

s. 10. Proclamation : 5th July, 1945, p. 1.

Regulations : *Gazette* 15th January, 1942, p. 67 ; 13th June, 1946, p. 1095 ; 16th June 1955, p. 1395.

Homestead Act, 1895-1935.

Regulations : *Gazette* 6th February, 1896, p. 289.

Honey Marketing Act, 1949-1959.

Commencement : 12th January, 1950 ; *Gazette* 12th January, 1950, p. 41.

s. 36a. Notice of affirmative result of poll : *Gazette* 14th June, 1956, p. 1426.

Regulations : *Gazette* 24th August, 1950, p. 467.

Hospitals Act, 1934-1962.

Commencement : 1st May, 1937; *Gazette* 25th March, 1937, p. 642.

Commencement of the Hospitals Act Amendment Act, 1958; 16th March, 1959, *Gazette* 5th March, 1959, p. 486.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 642.

s. 5. Proclamations : *Gazette* 16th January, 1868, p. 51; 23rd March, 1882, p. 960; 12th October, 1905, p. 728; 1st March, 1934, p. 405; 9th August, 1934, p. 251; 24th September, 1936, p. 626; 3rd December, 1936, p. 1195; 1st July, 1937, p. 1; 26th January, 1939, p. 246; 16th March, 1939, p. 616; 11th February, 1954, p. 226; 16th August, 1962, p. 317; 18th October, 1962, p. 1053.

s. 15. Proclamation : *Gazette* 21st November 1912, p. 1093.

s. 37. Notices : *Gazette* 25th March, 1920, p. 935; 23rd September, 1920, p. 849; 21st July, 1921, p. 95; 29th September, 1921, p. 714; 18th January, 1923, p. 93; 25th December, 1924, p. 1625; 13th May, 1926, p. 1233; 24th November, 1927, p. 1223; 28th June, 1928, p. 1623; 10th October, 1929, p. 854; 19th December, 1929, p. 1307; 11th September, 1930, p. 583; 6th February, 1936, p. 301; 3rd September, 1936; p. 417; 30th November 1939, p. 1437; 30th November, 1939, p. 1438; 4th April, 1946, p. 536; 28th November, 1946, p. 1328; 28th August, 1947, p. 587; 18th January, 1951, p. 74; 26th July, 1951, p. 173; 8th May, 1952, p. 1007; 8th July, 1954, p. 57; 30th June, 1955, p. 1499; 27th March, 1958, p. 914.

s. 43. Proclamations : *Gazette* 20th January, 1927, p. 122; 27th January, 1927, p. 178; 17th February, 1927, p. 338; 3rd March, 1927, p. 513; 24th March, 1927, p. 674; 19th May, 1927, p. 1099; 14th July, 1927, p. 45; 12th April, 1928, p. 774; 22nd November, 1928, p. 1094; 23rd May, 1929, p. 1051; 23rd May, 1929, p. 1052; 19th September, 1929, p. 698; 20th February, 1930, p. 371; 15th May, 1930, p. 892; 29th October, 1936, p. 949; 7th March, 1940, p. 494; 1st August, 1940, p. 183; 15th August, 1940, p. 273; 5th June, 1947, p. 1606.

s. 48. Proclamations : *Gazette* 8th January, 1931, p. 26; 30th November, 1939, p. 1436; 20th June, 1946, p. 1097; 31st July, 1952, p. 253; 2nd August, 1956, p. 257; 20th April, 1961, p. 914.

Proclamation of Her Majesty as to The Queen Elizabeth Hospital : *Gazette* 24th March, 1954, p. 615.

Regulations relating to the following hospitals :—

Royal Adelaide Hospital : *Gazette* 23rd February, 1922, p. 641; 7th December, 1922, p. 1460; 28th August, 1924, p. 555; 24th December, 1925, p. 1665; 19th August, 1926, p. 440; 27th January, 1927, p. 179; 19th January, 1933, p. 76; 10th January, 1935, p. 287; 16th July, 1936, p. 67; 15th September, 1938, p. 697; 24th August, 1939, p. 496; 25th January, 1940, p. 167; 9th May, 1940, p. 987; 7th October, 1948, p. 1217; 29th July, 1954, p. 221.

Bedford Park Sanatorium : *Gazette* 15th March, 1934, p. 788.

Lady Weigall Hospital, Barmera : *Gazette* 8th October, 1936, p. 735.

The Morris Hospital, Northfield : *Gazette* 30th August, 1934, p. 431.

Mount Gambier Hospital : *Gazette* 27th January, 1938, p. 217.

Port Adelaide Casualty Hospital : *Gazette* 8th December, 1960, p. 1613

Port Augusta Hospital : *Gazette* 8th September, 1938, p. 662.

Port Lincoln Hospital : *Gazette* 4th November, 1937, p. 1269.

Port Pirie Hospital : *Gazette* 11th October, 1928, p. 806.

Walleroo Hospital : *Gazette* 21st January, 1937, p. 162.

General regulations relating to the powers of the Inspector-General of Hospitals : *Gazette*, 27th September, 1923, p. 727.

Regulations relating to rating for hospital purposes : *Gazette* 19th August, 1920, p. 383.

Regulations as to fees payable by patients : *Gazette* 14th January, 1960, p. 120; 25th May, 1961, p. 1204; 26th October, 1961, p. 1345; 27th June, 1963, p. 1634.

Hospital Benefits Act, 1945.

Commencement : 17th January, 1946; *Gazette* 17th January, 1946, p. 71.

Hospital Benefits (Amending Agreement) Act, 1948.

Commencement : 17th February, 1949; *Gazette* 17th February, 1949, p. 403.

Housing Improvement Act, 1940-1961.

- Commencement : 19th December, 1940 ; *Gazette* 19th December, 1940, p. 1551.
 Administration : Committed to the Treasurer ; *Gazette* 19th December, 1940, p. 1551.
 s. 5. Proclamation committing execution of Act to the South Australian Housing Trust
 19th December, 1940, p. 1551.
 s. 6. Proclamation : *Gazette* 19th May, 1949, p. 1212.
 s. 49. Proclamation : *Gazette* 9th October, 1941, p. 713.
 Regulations under section 6 ; *Gazette* 19th December, 1940, p. 1587.
 Regulations as to standards of habitation : *Gazette* 29th May, 1941, p. 806 ; 8th January,
 1942, p. 57 ; 25th September, 1952, p. 897.
 Rules of Local Court : *Gazette* 10th July, 1941, p. 45 ; 13th August, 1959, p. 397 ; 27th
 October, 1960, p. 1140.

Housing Loans Redemption Fund Act, 1962.

- Commencement : 1st November, 1962 ; *Gazette* 1st November, p. 1198.

Immigration Act, 1923-1937.

- Administration : Committed to the Minister of Immigration *Gazette* 24th April, 1924, p. 973.
 Regulations : *Gazette* 1st March, 1928, p. 454 ; 3rd May, 1928, p. 917.

Impounding Act, 1920-1962.

- Administration : Committed to the Minister of Local Government *Gazette* 22nd April,
 1937, p. 849.

Imprint Act, 1951.

- Administration : Committed to the Chief Secretary *Gazette* 31st January, 1952, p. 171.

Income Tax Assessment Act, 1936-1946.

- s. 132. Proclamation : *Gazette* 18th February, 1937, p. 334.
 Regulations under the Taxation Act, 1884, and its amendments : *Gazette* 22nd January,
 1885, p. 203 ; 29th December, 1904, p. 1205 ; 24th December, 1908, p. 1257.
 Regulations under the Taxation Act, 1915, and its amendments : *Gazette* 20th December,
 1917, p. 1320 ; 3rd January, 1918, p. 6 ; 20th December, 1923, p. 1436 ; 21st August,
 1924, p. 403 ; 9th April, 1925, p. 627 ; 23rd July, 1925, p. 199.
 Regulations under the Taxation Act, 1927, and its amendments : *Gazette* 29th December,
 1927, p. 1681 ; 28th June, 1928, p. 1624 ; 4th July, 1929, p. 17 ; 19th December, 1929,
 p. 1307 ; 10th July, 1930, p. 49 ; 4th August, 1932, p. 182 ; 13th June, 1935, p. 1576,
 Regulations under the Income Tax Assessment Act, 1936 : *Gazette* 24th December, 1936,
 p. 1367 ; 18th February, 1937, p. 375 ; 27th May, 1937, p. 1206.

Industrial and Provident Societies Act, 1923-1958.

- Regulations : *Gazette* 13th November, 1924, p. 1316 ; 19th May, 1955, p. 1142.
 Rules of Court under section 9 (3) : *Gazette* 2nd October, 1924, p. 830.

Industrial Code, 1920-1960.

- s. 269b. Proclamation of living wage : *Gazette* 6th July, 1961, p. 4.
 Rules of the Industrial Court : *Gazette* 24th August, 1944, p. 229 ; 20th September, 1945,
 p. 467.
 Regulations : 10th October, 1957, p. 805 ; 17th July, 1958, p. 133 ; 18th August, 1960, p.
 455 ; 13th July, 1961, p. 61.
 Rules as to the Board of Industry : *Gazette* 21st October, 1954, p. 1030 ; 1st September,
 1955, p. 493.
 Regulations under the Fees Regulation Act, 1927, fixing charges for transcript of
 proceedings before the Board of Industry : *Gazette* 14th February, 1957, p. 228.
 Varying the fees for registration of factory, *Gazette* 1st October, 1959, p. 824.

Inebriates Act, 1908-1934.

Regulations : *Gazette* 26th October, 1911, p. 859 ; 8th August, 1912, p. 300 ; 7th January, 1915, p. 2.
 Rules of Court : *Gazette* 26th October, 1911, p. 864 ; 14th February, 1957, p. 229.

Infectious Diseases Hospital Transfer Act, 1947.

s. 3. Notice fixing 1st April, 1948, as the "appointed day" : *Gazette*, 25th March, 1948, p. 644.
 s. 8. Commencement : 16th September, 1948 ; *Gazette* 16th September, 1948, p. 1068.

Inflammable Liquids Act, 1961.

Commencement : At 5th July, 1963, this Act had not been brought into operation.

Inflammable Oils Act, 1908-1954.

Commencement : 1st June, 1909 ; *Gazette* 4th March 1909, p. 444.
 Administration : Committed to the Minister of Industry *Gazette*, 17th November, 1932, p. 953.
 s. 46. Proclamation : *Gazette* 28th October, 1920, p. 1120.
 General regulations : *Gazette* 31st January, 1952, p. 204 ; 19th July, 1956, p. 124 ; 7th July, 1960, p. 4 ; 23rd February, 1961, p. 466.
 Regulations under the Fees Regulation Act, 1927, varying fees and making other provision : *Gazette* 1st October, 1959, p. 818.

Institute of Medical and Veterinary Science Act, 1937-1962.

Commencement : 9th June, 1938 ; *Gazette* 9th June, 1938, p. 1270.
 Regulations : *Gazette* 30th June, 1938, p. 1568 ; 22nd December, 1949, p. 1581 ; 4th October, 1956, p. 790 ; 30th June, 1960, p. 1696 ; 10th August, 1961, p. 648.

Interest on Crown Advances and Leases Act, 1944-1951.

s. 2. Notices : *Gazette* 25th January, 1945, p. 91 ; 25th September, 1952, p. 899 ; 12th July, 1956, p. 120 ; 23rd August, 1956, p. 466 ; 1st June, 1961, p. 1271 ; 16th May, 1963, p. 1304.
 s. 3. Notices : *Gazette* 25th January, 1945, p. 91 ; 25th September, 1952, p. 899 ; 12th July, 1956, p. 120 ; 23rd August, 1956, p. 466 ; 1st June, 1961, p. 1270 ; 22nd June, 1961, p. 1382 ; 16th May, 1963, p. 1304.

Interstate Destitute Persons Relief Act, 1910-1958.

Commencement : 5th January, 1911 ; *Gazette* 5th January, 1911, p. 1.
 s. 5. Proclamations : *Gazette* 23rd March, 1911, p. 499 ; 20th February, 1913, p. 343, 2nd October, 1913, p. 762 ; 5th August, 1915, p. 555 ; 21st July, 1921, p. 95.
 Regulations : *Gazette* 27th April, 1911, p. 720 ; 14th June, 1956, p. 1386 ; 9th July, 1959, p. 53.

Irrigation Act, 1930-1946.

Commencement : 5th February, 1931 ; *Gazette* 5th February, 1931, p. 189.
 ss. 16, 17, and 18. Proclamations relating to irrigation areas : *Gazette* 11th July, 1907, p. 43 ; 12th November, 1908, p. 933 ; 25th March, 1909, p. 572 ; 29th April, 1909, p. 785 ; 27th January, 1910, p. 104 ; 13th October, 1910, p. 744 ; 3rd November, 1910, p. 919 ; 24th November, 1910, p. 1063 ; 19th September, 1912, p. 677 ; 12th June, 1913, p. 1268 ; 21st May, 1914, p. 1106 ; 4th February, 1915, p. 276 ; 25th February, 1915, p. 484 ; 25th February, 1915, p. 485 ; 2nd September, 1915, p. 800 ; 17th February, 1916, p. 299 ; 17th August, 1916, p. 289 ; 28th September, 1916, p. 568 ; 9th November, 1916, p. 910 ; 13th June, 1918, p. 1117 ; 30th October, 1919, p. 1083 ; 11th August, 1921, p. 269 ; 15th December, 1921, p. 1386 ; 26th

Irrigation Act, 1930-1946—continued.

January, 1922, p. 158 ; 27th April, 1922, p. 1119 ; 24th August, 1922, p. 413 ; 7th September, 1922, p. 545 ; 12th April, 1923, p. 819 ; 17th May, 1923, p. 1074 ; 12th July, 1923, p. 49 ; 16th August, 1923, p. 350 ; 5th June, 1924, p. 1271 ; 4th June, 1925, p. 1085 ; 9th July, 1925, p. 51 ; 24th September, 1925, p. 739 ; 9th September, 1926, p. 614 ; 22nd December, 1927, p. 1609 ; 17th May, 1928, p. 1035 ; 25th September, 1930, p. 621 ; 13th November, 1930, p. 986 ; 8th January, 1931, p. 26 ; 17th January, 1935, p. 292 ; 14th October, 1943, p. 475 ; 22nd January, 1948, p. 167 ; 12th August, 1948, p. 647 ; 30th September, 1948, p. 1168 ; 8th September, 1949, p. 647 ; 23rd November, 1950, p. 1255 ; 12th June, 1952, p. 1291 ; 11th December, 1952, p. 1504 ; 13th May, 1954, p. 953 ; 24th June, 1954, p. 1237.

Regulations : *Gazette* 16th September, 1954, p. 707 ; 29th November, 1956, p. 1238.

Irrigation on Private Property Act, 1939-1958.

Commencement : 5th January, 1940 : *Gazette* 4th January, 1940, p. 1.

s. 9. Proclamations : *Gazette* 12th December, 1940, p. 1425 ; 6th February, 1941, p. 148 ; 27th September, 1945, p. 490 ; 15th May, 1952, p. 1058 ; 6th October, 1955, p. 785 ; 20th October, 1960, p. 1062 ; 22nd June, 1961, p. 1375 ; 15th March, 1962, p. 531 ; 1st November, 1962, p. 1195 ; 27th June, 1963, p. 1630.

s. 10. Proclamation : *Gazette* 1st November, 1962, p. 1198.

Juries Act, 1927-1937.

Commencement : 6th January, 1928 ; *Gazette* 5th January, 1928, p. 1.

ss. 9 and 10. Proclamations : *Gazette* 28th September, 1950, p. 738 ; 31st August, 1961, p. 824.

s. 77. Proclamation : *Gazette* 29th November, 1956, p. 1231.

Justices Act, 1921-1960.

Commencement : 26th July, 1922 ; *Gazette* 29th June, 1922, p. 1575.

Commencement of the Justices Act Amendment Act, 1957 : 1st February, 1958 : *Gazette* 19th December, 1957, p. 1529.

Rules of the Supreme Court as to appeals under Part VI : *Gazette* 13th December, 1956, p. 1329.

Rules made by the Governor under section 203 : *Gazette* 27th February, 1930, p. 443 ; 3rd April, 1930, p. 650 ; 6th April, 1933, p. 552 ; 1st September, 1938, p. 499 ; 15th June, 1944, p. 718 ; 6th December, 1956, p. 1283 ; 19th December, 1957, p. 1540 ; 21st September, 1961, p. 1032 ; 21st December, 1961, p. 2043.

Regulations as to payment to witnesses and others for attendance at courts of summary jurisdiction : *Gazette* 7th January, 1954, p. 7 ; 31st August, 1961, p. 829.

Rules under the Maintenance Orders (Facilities for Enforcement) Act, 1922, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374 ; 14th June, 1956, p. 1384.

Rules under the Licensing Act, 1932, and the Justices Act, 1921 : *Gazette* 29th April, 1937, p. 945 ; 11th April, 1946, p. 653.

Juvenile Courts Act, 1941.

Commencement : 1st July, 1942 ; *Gazette* 18th June, 1942, p. 847.

Administration : Committed to the Attorney-General ; *Gazette* 18th June, 1942, p. 847.

Land Agents Act, 1955-1960.

Commencement : 1st May 1956 : *Gazette* 19th April, 1956, p. 739.

Commencement of the Land Agents Act Amendment Act, 1959 ; 18th January, 1960 ; *Gazette* 14th January, 1960, p. 117.

Regulations : *Gazette* 27th October, 1960, p. 1154.

Landlord and Tenant Act, 1936.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 645.

Landlord and Tenant (Control of Rents) Act, 1942-1961.

Commencement : 1st January, 1943 ; *Gazette* 3rd December, 1942, p. 1089.

Commencement of Part V : 16th August, 1948 ; *Gazette* 13th August, 1948, p. 703.

Administration : Committed to the Attorney-General ; *Gazette* 10th December, 1942, p. 1123.

s. 5. Proclamations : *Gazette* 11th December, 1952, p. 1505 ; 14th May, 1953, p. 1095 ; 1st April, 1954, p. 665 ; 2nd April, 1959, p. 694.

s. 29. Notice : *Gazette* 15th November, 1956, p. 1102.

s. 32. Notice : *Gazette* 1st December, 1960, p. 1588.

s. 34. Notice : *Gazette* 29th January, 1959, p. 221.

Regulations : *Gazette* 26th January, 1950, p. 178.

Regulations prescribing forms of notice to quit : *Gazette* 25th January, 1951, p. 119 ; 22nd February, 1951, p. 474 ; 14th February, 1952, p. 387.

Regulation prescribing form of notice under section 55d (3) : *Gazette* 5th December, 1957 ; p. 1374.

Rules of Local Court : *Gazette* 1st May, 1947, p. 1121 ; 15th December, 1949, p. 1516 ; 22nd March, 1951, p. 655.

Proclamations under section 294 of the Local Courts Act, 1926, as to fees payable in proceedings in local court : *Gazette* 8th May, 1947, p. 1425 ; 15th December, 1949, p. 1507.

Land Settlement Act, 1944-1961.

Regulations : *Gazette* 20th December, 1951, p. 1568 ; 11th March, 1954, p. 517 ; 4th July, 1957, p. 5 ; 14th May, 1959, p. 1028 ; 15th November, 1962, p. 1400.

Land Tax Act, 1936-1961.

Commencement : 7th January, 1937 ; *Gazette* 7th January, 1937, p. 1.

s. 12c. Proclamation : *Gazette* 2nd November, 1961, p. 1409.

ss. 45 and 48. Proclamations : *Gazette* 8th December, 1955, p. 1285 ; 17th January, 1957, p. 55 ; 18th April, 1957, p. 750 ; 11th July, 1957, p. 51 ; 26th September, 1957, p. 688 ; 11th December, 1958, p. 1572 ; 20th October, 1960, p. 1063 ; 7th December, 1961, p. 1884.

Regulations : *Gazette* 2nd April, 1953, p. 699.

Law of Property Act, 1936-1960.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.

Regulations : *Gazette* 13th February, 1947, p. 681.

Legal Practitioners Act, 1936-1948.

Commencement : 1st May, 1937 ; *Gazette* 25th March, 1937, p. 645.

Rules of Court as to the statutory committee : *Gazette* 9th November, 1916, p. 943.

Rules of Court as to trust accounts and other matters : *Gazette* 31st August, 1939, p. 573 ; 21st February, 1957, p. 291.

Levi Park Act, 1948.

s. 7. Notice : *Gazette* 27th January, 1949, p. 191.

By-laws : *Gazette* 26th November, 1953, p. 1339.

Libraries and Institutes Act, 1939-1950.

Commencement : 1st February, 1940 ; *Gazette* 18th January, 1940, p. 69.

- s. 36. Proclamations : 7th March, 1940, p. 494 ; 8th August, 1940, p. 221 ; 12th December, 1940, p. 1427 ; 4th December, 1941, p. 1193 ; 23rd April, 1942, p. 613 ; 20th August, 1942, p. 264 ; 12th November, 1942, p. 985 ; 25th March, 1943, p. 333 ; 25th November, 1943, p. 691 ; 22nd June, 1944, p. 735 ; 20th July, 1944, p. 67 ; 20th July, 1944, p. 68 ; 19th October, 1944, p. 472 ; 22nd February, 1945, p. 309 ; 26th July, 1945, p. 99 ; 20th August, 1945, p. 247 ; 6th June, 1946, p. 1021 ; 12th February, 1948, p. 360 ; 2nd June, 1949, p. 1500 ; 27th October, 1949, p. 1010 ; 22nd December, 1949, p. 1579 ; 16th March, 1950, p. 585 ; 25th October, 1951, p. 1001 ; 8th May, 1951, p. 1005 ; 7th August, 1952, p. 413 ; 4th September, 1952, p. 723 ; 4th December, 1952, p. 1431 ; 12th March, 1953, p. 462 ; 23rd April, 1953, p. 968 ; 28th May, 1953, p. 1319 ; 27th August, 1953, p. 644 ; 1st October, 1953, p. 891 ; 1st October, 1953, p. 892 ; 22nd October, 1953, p. 1052 ; 7th January, 1954, p. 2 ; 1st April, 1954, p. 665 ; 12th May, 1955, p. 1103 ; 25th August, 1955, p. 411 ; 19th April, 1956, p. 740 ; 7th February, 1957, p. 179 ; 9th May, 1957, p. 380 ; 4th July, 1957, p. 2 ; 12th September, 1957, p. 583 ; 9th October, 1958, p. 1017 ; 10th September, 1959, p. 640 ; 19th November, 1959, p. 1231 ; 10th December, 1959, p. 1449 ; 21st January, 1960, p. 193 ; 23rd June, 1960, p. 1644 ; 18th May, 1961, p. 1140 ; 24th August, 1961, p. 739 ; 22nd February, 1962, pp. 377, 378 ; 23rd August, 1962, pp. 385, 386 ; 28th February, 1963, p. 504 ; 20th June, 1963, p. 1549.

Regulations relating to the Public Library and other premises : *Gazette* 5th December, 1940, p. 1288 ; 14th February, 1946, p. 241 ; 21st January, 1954, p. 127.

Regulations relating to the lending of books from the Public Library : *Gazette* 14th February, 1946, p. 239 ; 20th July, 1950, p. 164 ; 10th October, 1957, p. 793.

Regulations relating to the Institutes Association : *Gazette* 6th October, 1910, p. 714 ; 23rd April, 1936, p. 890 ; 14th July, 1938, p. 78 ; 1st August, 1940, p. 191 ; 3rd January, 1946, p. 24 ; 20th November, 1958, p. 1383 ; 22nd March, 1962, p. 602.

Licensing Act, 1932-1960.

Commencement : 8th December, 1932 ; *Gazette* 8th December, 1932, p. 1079.

s. 5. Order : *Gazette* 11th October, 1917, p. 852.

s. 114. Proclamations : *Gazette* 26th May, 1932, p. 963 ; 8th June, 1933, p. 974 ; 29th June, 1933, p. 1093 ; 10th August, 1939, p. 352 ; 15th May, 1958, p. 1273.

s. 223. Proclamation : *Gazette* 28th July, 1938, p. 166.

s. 230. For table of resolutions carried at local option polls prior to 26th April, 1937, see the footnote in Volume 4, p. 502 of the South Australian Statutes, 1837-1936. Notices of subsequent resolution : *Gazette* 8th June, 1944, p. 702 (Hindmarsh, Norwood and Semaphore districts) ; 20th March, 1947, p. 889 (Adelaide and Murray districts) ; 23rd March, 1950, p. 662 (Semaphore and Port Pirie Districts) ; 30th March, 1950, p. 684 (Stuart and Glenelg Districts) ; 9th April, 1953, p. 896 (Semaphore, Glenelg, Prospect, Port Pirie, Goodwood, Albert, Port Adelaide, and Murray Districts) ; 14th July, 1955, p. 119 (Albert Park, Bordertown, Brighton, Burnside, Edwardstown, Glandore, Henley Beach, Keswick, Kingscote, Lockleys, Loxton, Mount Gambier, Nailsworth, Northfield, Peterborough, Plympton, Port Pirie, Renmark, Salisbury, Taillem Bend, Tarcoola and Whyalla districts) ; 17th July, 1958, p. 163 (Adelaide, Reitana, Clarence Gardens, Edwardstown, Gawler, Glenelg, Hindmarsh, Loxton, Magill, Mitcham, Morphett Vale, Mount Gambier, Port Augusta, Port Lincoln, Renmark and St. Kilda) ; 27th July, 1961, p. 558 (Adelaide, Ascot Park, Brighton, Edwardstown, Ferryden Park, Gawler, Glenelg, Henley Beach, Hindmarsh, Loxton, Magill, Millicent, Morgan, Morphett Vale, Mount Gambier, Murray Bridge, Northfield, Robe, Rose Park, Tarcoola and Whyalla).

Regulations as to polls under section 62 : *Gazette* 22nd December, 1932, p. 1187.

Regulation as to permits under section 150a ; *Gazette*, 11th April, 1946, p. 653.

Regulations under section 189 as to declarations by *bona fide* travellers : *Gazette* 6th February, 1936, p. 302.

Regulations under section 195 as to declarations by *bona fide* lodgers : *Gazette* 17th December, 1931, p. 1118.

Regulations under section 197a as to permits to sell liquor in restaurants : *Gazette* 30th January, 1936, p. 271.

Regulations under section 199 as to permits to sell or consume liquor on special occasions : *Gazette* 29th April, 1937, p. 945.

Licensing Act, 1932-1960—continued.

- Regulations as to permits under sections 199a or 199b : *Gazette* 16th March, 1961, p. 569.
- Regulations under section 235 amending the regulations as to local option polls and contained in schedule W : *Gazette* 10th March, 1955, p. 549 ; 31st March, 1955, p. 757.
- Regulations as to proof of notices : *Gazette* 14th October, 1937, p. 1027.
- Regulations as to licensing districts : *Gazette* 28th July, 1938, p. 168.
- Regulations under the Fees Regulation Act, 1927, as to the fees payable under section 30, 71 (3), 134 (3), 150a and 199 of the Licensing Act and for certain licences : *Gazette* 20th September, 1956, p. 629 ; 30th January, 1958, p. 162.

Life Assurance Companies Act, 1936-1952.

- Regulations : *Gazette* 27th June, 1889, p. 1800 ; 2nd October, 1941, p. 676.

Lifts Act, 1960.

- Commencement : At 5th July, 1963, this Act had not been brought into operation.
- Regulations : *Gazette* 21st November, 1935, p. 1273 ; 15th August, 1957, p. 368 ; 1st October, 1959, p. 821.

Liquid Fuel Act, 1941.

- Commencement : At 5th July, 1963, this Act had not been brought into operation.

Liquid Fuel Act, 1949.

- Regulations : *Gazette* 10th November, 1949, p. 1197.
- Liquid Fuel (Rationing Orders) ; No. 1, *Gazette* 15th November, 1949, p. 1221 ; No. 2, *Gazette* 15th November, 1949, p. 1222.

Liquefied Petroleum Gas Act, 1960.

- Commencement : At 5th July, 1963, this Act had not been brought into operation.

Loans for Fencing and Water Piping Act, 1938-1952.

- Commencement : 1st February, 1939 ; *Gazette* 19th January, 1939, p. 121.
- s. 13 (7). Notice : *Gazette* 4th December, 1958, p. 1556.

Loans to Producers Act, 1927-1962.

- Regulations : *Gazette* 21st July, 1927, p. 126 ; 6th March, 1930, p. 484 ; 8th April, 1948, p. 768.

Local Courts Act, 1926-1962.

- Commencement : 7th March, 1927 ; *Gazette* 10th February, 1927, p. 297.
- Commencement of the Local Courts Act Amendment Act, 1956 : 18th March, 1957 ; *Gazette* 14th March, 1957, p. 519.
- Commencement of the Local Courts Act Amendment Act, 1962 : 1st March, 1963 ; *Gazette* 14th February, 1963, p. 277.

Local Courts Act, 1926-1962—continued.

- s. 8. Proclamations : *Gazette* 12th February, 1948, p. 359 ; 14th September, 1950, p. 654 ; 6th November, 1952, p. 1199 ; 22nd January, 1953, p. 71 ; 16th April, 1953, p. 923 ; 26th November, 1953, p. 1307 ; 21st October, 1954, p. 1027 ; 18th November, 1954, p. 1205 ; 9th December, 1954, p. 1365 ; 20th January 1955, p. 135 ; 22nd December, 1955, p. 1503 ; 28th June, 1956, p. 1615 ; 23rd August, 1956, p. 398 ; 30th August, 1956, p. 470 ; 6th December, 1956, p. 1277 ; 24th January, 1957, p. 94 ; 21st February, 1957, p. 287 ; 4th April, 1957, p. 650 ; 5th December, 1957, p. 1300 ; 5th December, 1957, p. 1361 ; 9th January, 1958, p. 34 ; 4th September, 1958, p. 748 ; 18th December, 1958, p. 1635 ; 19th November, 1959, p. 1232 ; 25th January, 1960, p. 575 ; 4th August, 1960, p. 285 ; 25th August, 1960, p. 570 ; 3rd November, 1960, p. 1206 ; 11th May, 1961, p. 1091 ; 1st June, 1961, p. 1244 ; 15th June, 1961, p. 1325 ; 28th September, 1961, p. 1124 ; 16th November, 1961, p. 1651 ; 25th January, 1962, p. 133 ; 6th September, 1962, p. 589 ; 27th September, 1962, p. 784 ; 20th December, 1962, p. 1756 ; 31st January, 1963, p. 193 ; 18th April, 1963, p. 946.
- s. 294. Proclamations : *Gazette* 5th November, 1936, p. 1005 ; 8th May, 1947, p. 1425 ; 20th January, 1949, p. 113 ; 15th December, 1949, p. 1507 ; 20th December, 1951, p. 1553 ; 6th December, 1956, p. 1277 ; 18th January, 1962, p. 87.
- General rules of Court : *Gazette* 17th December, 1953, p. 1460 ; 27th October, 1960, p. 1137 ; 6th November, 1961, p. 1479.
- Rules of Court as to bailiffs' fees : *Gazette* 20th October, 1932, p. 802.
- Rules of Court as to practitioner's costs : *Gazette* 17th December, 1953, p. 1460.
- Rules of Court as to appeals under the Bailiffs and Inquiry Agents Licensing Act, 1945 : *Gazette* 9th May, 1946, p. 887.
- Rules of Court as to appeals under section 21a of the Bush Fires Act, 1933-1955 : *Gazette* 13th September, 1956, p. 582.
- Rules of Court under the Excessive Rents Act, 1962 : *Gazette* 20th December, 1962, p. 1771.
- Rules of Court under section 13 of the Firearms Act, 1958 : *Gazette* 17th September, 1959, p. 708.
- Rules of Court as to applications under section 5 of the Hire-Purchase Agreements Act, 1931 : *Gazette* 18th February, 1932, p. 312.
- Rules of Court as to appeals under the Housing Improvement Act, 1940 : *Gazette* 10th July, 1941, p. 45 ; 13th August, 1959, p. 397 ; 27th October, 1960, p. 1140.
- Rules of Court as to appeals and other matters under the Landlord and Tenant (Control of Rents) Act, 1942 : *Gazette* 1st May, 1947, p. 1121 ; 15th December, 1949, p. 1516 ; 22nd March, 1951, p. 655.
- Rules of Court as to procedure under the Landlord and Tenant (Rent Reduction) Act, 1932-1936 : *Gazette* 22nd December, 1932, p. 1209.
- Rules of Court in respect of section 309 of the Local Government Act, 1934 : *Gazette* 4th November, 1948, p. 1425.
- Rules of Court in respect of section 666b of the Local Government Act, 1954 : *Gazette* 3rd July, 1958, p. 7.
- Regulations as to applications under section 10 of the Marine Stores Act, 1898-1936 : *Gazette* 22nd June, 1899, p. 1357.
- Rules of Court as to applications under the Mortgagors Relief Act, 1931-1936 : *Gazette* 28th January, 1932, p. 158.
- Rules of Court as to proceedings under the National Security (Landlord and Tenant) Regulations : *Gazette* 20th September, 1945, p. 487.
- Rules of Court in aid of the National Security (War Service Moratorium) Regulations : *Gazette* 26th June, 1941, p. 926 ; 4th October, 1945, p. 528 ; 15th August, 1946, p. 302.
- Rules of Court as to appeals against refusal of drivers' licences under the Road Traffic Act, 1934-1938 : *Gazette* 4th March, 1937, p. 484.
- Regulations as to applications to Local Courts under the Second-hand Dealers Act, 1919-1934 : *Gazette* 26th March, 1936, p. 705.
- Rules of Court as to appeals under section 53 or section 96 of the South-Eastern Drainage Act 1931-1947 : *Gazette* 5th May, 1932, p. 779.

Local Courts Act, 1926-1962—continued.

- Rules of Court under the Warehousemen's Liens Act, 1941: *Gazette* 26th March, 1942, p. 477.
- Rules of Court under the Workmen's Compensation Act, 1932-1938: *Gazette* 4th May, 1933, p. 723; 2nd July, 1942, p. 22; 28th October, 1954, p. 1098; 11th January, 1962, p. 51; 20th September, 1962, p. 725.
- Regulations under the Workmen's Liens Act, 1893-1936: *Gazette* 21st February, 1895 p. 453.
- Rules of the Supreme Court as to Local Court appeals: *Gazette* 31st March, 1927, p. 745; rules dated 6th February, 1928 (not published in the *Gazette*); 22nd March, 1934, p. 853; 4th November, 1937, p. 1230.

Local Government Act, 1934-1961.

- Commencement: 2nd November, 1934; *Gazette* 25th October, 1934, p. 845.
- Administration: Committed to the Minister of Local Government *Gazette* 25th October, 1934, p. 845.
- s. 48. Proclamations: *Gazette* 23rd December, 1943, p. 810; 11th April, 1946, p. 573; 21st November, 1946, p. 1279; 20th April, 1950, p. 813; 11th September, 1952, p. 795; 26th February, 1953, p. 345; 9th April, 1953, p. 895; 22nd October, 1953, p. 1052; 9th December, 1954, p. 1364; 6th November, 1958, p. 1252; 25th January, 1960, p. 575.
- s. 74. Proclamations: *Gazette* 18th May, 1939, p. 1206; 20th February, 1947, p. 685; 9th April, 1953, p. 895; 24th November, 1955, p. 1185; 15th December, 1960, p. 1646.
- s. 163b. Notice: *Gazette* 28th September, 1939, p. 868.
- s. 179. Proclamations: *Gazette* 8th August, 1908, p. 249; 25th February, 1909, p. 387; 22nd December, 1910, p. 1300; 12th January, 1911, p. 45; 19th January, 1911, p. 95; 28th December, 1911, p. 1360; 28th March, 1912, p. 585; 17th April, 1913, p. 725; 26th June, 1913, p. 1343; 13th July, 1922, p. 54; 25th March, 1926, p. 866; 11th August, 1927, p. 347; 18th August, 1927, p. 411; 8th September, 1927, p. 599; 22nd September, 1927, p. 713; 18th October, 1928, p. 874; 15th November, 1928, p. 1053; 24th December, 1930, p. 1293; 22nd August, 1946, p. 308; 24th August, 1950, p. 462; 24th May, 1951, p. 1121; 28th June, 1951, p. 1373; 28th June, 1951, p. 1373; 2nd October, 1952, p. 939; 24th June, 1954, p. 1238; 30th August, 1956, p. 469; 8th November, 1956, p. 1041; 20th February, 1958, p. 627; 26th June, 1958, p. 1980; 21st August, 1958, p. 443; 4th September, 1958, p. 748; 9th July, 1959, p. 49; 3rd September, 1959, p. 564; 3rd March, 1960, p. 644; 18th August, 1960, p. 441; 1st September, 1960, p. 634; 20th October, 1960, p. 1062; 24th November, 1960, p. 1429; 13th April, 1961, p. 861; 10th August, 1961, p. 644; 7th September, 1961, p. 882.
- s. 196. Proclamation: *Gazette* 2nd May, 1963, p. 1085.
- s. 244a (3). Proclamation: *Gazette* 31st May, 1962, p. 1431 (Renmark).
- s. 495. Proclamations: *Gazette* 21st September, 1922, p. 675; 31st July, 1924, p. 226; 28th February, 1935, p. 592; 28th November, 1935, p. 1285; 14th January, 1937, p. 33; 12th June, 1941, p. 862; 1st October, 1942, p. 494; 12th September, 1946, p. 449.
- s. 555a. Proclamation: *Gazette* 24th August, 1961, p. 740.
- s. 601. Proclamation: 18th February, 1960, p. 470.
- s. 625. Proclamations: *Gazette* 7th December, 1944, p. 779; 10th June, 1948, p. 1195; 30th September, 1948, p. 1168; 8th December, 1949, p. 1411; 22nd December, 1949, p. 1579; 28th April, 1955, p. 984; 28th April, 1955, pp. 984-985; 14th July, 1955, p. 59; 11th August, 1955, p. 290; 10th November, 1955, pp. 1057-1058; 22nd December, 1955, p. 1503; 22nd December, 1955, p. 1504; 9th May, 1957, p. 877; 27th June, 1957, p. 1563; 23rd January, 1958, p. 121; 30th January, 1958, p. 159; 6th February, 1958, p. 489; 20th February, 1958, p. 627; 7th April, 1960, p. 987.
- s. 647. Proclamation: *Gazette* 3rd May, 1894, p. 1009.
- s. 871t. Proclamation: *Gazette* 19th February, 1959, p. 349.
- Regulations relating to Local Government Auditors' Certificates: *Gazette* 20th February, 1936, p. 459; 15th January, 1959, p. 71.
- Regulations as to qualifications of officers: *Gazette* 7th June, 1962, p. 1479; 13th September, 1962, p. 657.

782 Table of Regulations, Rules, Proclamations, Etc.

Local Government Act, 1934-1961—*continued.*

- Regulations relating to reflectors on barriers : *Gazette* 8th November, 1956, p. 1045.
- Regulations relating to the charges of the Crown Solicitor under section 674 : *Gazette* 31st January, 1935, p. 371.
- Regulations relating to cemeteries generally : *Gazette* 5th October, 1944, p. 444 ; 15th February, 1951, p. 335.
- Regulations relating to the West Terrace Cemetery : *Gazette* 2nd October, 1930, p. 662 ; 31st October, 1940, p. 960 ; 5th February, 1942, p. 237.
- Regulations as to prohibited area signs : *Gazette* 15th December, 1960, p. 1660.
- Rules as to appeals by clerks : *Gazette* 27th March, 1947, p. 925.
- Rules of the Local Court in respect of section 309 : *Gazette* 4th November, 1948, p. 1425.
- Rules of the Local Court in respect of notices for removal of unsightly chattels and structures : *Gazette* 3rd July, 1958, p. 7.
- Model by-laws : *Gazette* 17th September, 1936, p. 562. Amendments of model by-laws : 5th October, 1950, p. 797 (re-enactment of model by-law No. I.) ; 18th August, 1938, p. 335 (amendment of model by-law No. VII.) ; 19th October, 1939, p. 1095 (amendment of model by-law No. XVIII.) ; 5th October, 1944, p. 415 (amendment of model by-law No. XXI.) ; 12th September, 1940, p. 515 (amendment of model by-law No. XXIV.) ; 28th September, 1950, p. 739 (amendment of model by-law No. XXIV.) ; 23rd November, 1950, p. 1254 (amendment of model by-law No. XXIV.) ; 4th September, 1941, p. 458 (amendment of model by-law No. XXV.) ; 12th September, 1940, p. 515 (amendment of model by-law No. XXVII.) ; 28th September, 1950, p. 739 (amendment of model by-law No. XXVII.) ; 23rd November, 1950, p. 1254 (amendment of model by-law No. XXVII.) ; 4th September, 1941, (amendment of model by-law No. XXIX.) ; 12th September, 1940, p. 515 (amendment of model by-law No. XXXII.) ; 5th October, 1944, p. 415 (amendment of model by-law No. XXXIV.) ; 12th October, 1950, p. 862 (model by-law as to height of fences, etc., at intersections) ; 4th October, 1951, p. 830 (model by-law as to wrapping of bread) ; 9th October, 1952, p. 987 (model by-law as to motor vehicles plying for hire) ; 9th October, 1958, p. 1019 (model by-law as to inflammable undergrowth) ; 26th October, 1961, p. 1339 (amendment of model by-laws Nos. XIII and XXX) ; 9th November, 1961, pp. 1580 and 1583 ; 25th October, 1962, pp. 1116, 1119 (model by-laws as to child minding centres) ; 13th September, 1962, p. 655 (amendment of model by-laws Nos. XIII and XXX).

Local Government (City of Enfield Loan) Act, 1953-1961.

- Administration : Committed to the Minister of Local Government *Gazette* 14th January, 1954, p. 57.

Local Government (Forestry Reserves) Act, 1944.

- Administration : Committed to the Minister of Forests *Gazette* 25th January, 1945, p. 86.

Long Service Leave Act, 1957.

- Commencement : 21st November, 1957 : *Gazette* 21st November, 1957, p. 1198.
- Administration : Committed to the Minister of Industry and Employment : *Gazette* 21st November, 1957, p. 1198.
- Regulations : *Gazette* 2nd April, 1959, p. 698.

Lottery and Gaming Act, 1936-1956.

- Commencement of the Lottery and Gaming Act Amendment Act (No. 2), 1938 ; 19th December, 1938 : *Gazette* 15th December, 1938, p. 1497.
- Commencement of the Lottery and Gaming Act Amendment Act (No. 1), 1950 : 1st December, 1950 : *Gazette* 30th November, 1950, p. 1301.

Lottery and Gaming Act, 1936-1956—continued.

- ss. 32 and 32a. Proclamations : *Gazette* 13th February, 1936, p. 398 ; 12th March, 1936, p. 593 ; 23rd July, 1936, p. 109 ; 24th December, 1936, p. 1321 ; 18th February, 1937, p. 334 ; 21st October, 1937, p. 1053 ; 13th April, 1939, p. 887 ; 9th September, 1948, p. 955 ; 28th October, 1948, p. 1345 ; 9th December, 1948, p. 1744 ; 7th July, 1949, p. 1 ; 5th January, 1950 p. 2 ; 5th March, 1953, p. 398 ; 9th December, 1954, p. 1364 ; 10th March, 1955, p. 551 ; 31st May, 1956, p. 1064 ; 23rd August, 1956, p. 398.
- s. 42. Directions as to procedure : *Gazette* 31st January, 1946, p. 194.
- Rules and regulations as to the totalizator : *Gazette* 27th May, 1937, p. 1207 ; 7th December, 1939, p. 1556. (These rules and regulations are reprinted in Volume 5, pp. 455-458 of the South Australian Statutes, 1837-1936, and in the 1938 volume, pp. 427-430 and with the amendments made in 1939, in the 1950 volume, pp. 273-277) ; 26th July, 1951, p. 212 ; 18th February, 1960, p. 557.
- Regulations as to betting tickets : *Gazette* 20th December, 1933, p. 1231 ; 6th March, 1941, p. 337 ; 2nd June, 1955, p. 1269 ; 15th February, 1962, p. 298.
- Rules as to bookmakers : *Gazette* 13th February, 1947, p. 651 ; 23rd September, 1948, p. 1147 ; 2nd December, 1948, p. 1686 ; 21st July, 1949, p. 208 ; 28th July, 1949, p. 280 ; 1st December, 1949, p. 1361 ; 30th November, 1950, p. 1311 ; 18th December, 1952, p. 1593 ; 24th December, 1952, p. 1648 ; 12th March, 1953, p. 515 ; 30th July, 1953, p. 409 ; 8th April, 1954, p. 710 ; 1st July, 1954, p. 16 ; 8th July, 1954, p. 63 ; 29th July, 1954, p. 228 ; 24th February, 1955, p. 426 ; 7th April, 1955, p. 816 ; 28th July, 1955, p. 246 ; 10th January, 1957, p. 45 ; 21st February, 1957, p. 289 ; 12th December, 1957, p. 1469 ; 17th April, 1958, p. 1087 ; 2nd March, 1961, p. 473 ; 3rd August, 1961, p. 584 ; 1st February, 1962, p. 209 ; 22nd February, 1962, p. 419 ; 19th April, 1962, p. 916.
- Rules under section 22a : *Gazette* 28th April, 1955, p. 990.

Lower River Broughton Irrigation Trust Act, 1938-1940.

- Commencement : 2nd February, 1939 : *Gazette* 2nd February, 1939, p. 334.
- Administration : Committed to the Commissioner of Public Works *Gazette* 16th February, 1939, p. 422.
- ss. 7 and 8. Proclamation : *Gazette* 20th July, 1939, p. 114.

Maintenance Act, 1926-1953.

- Commencement : 7th April, 1927 ; *Gazette* 7th April, 1927, p. 791.
- s. 152. Proclamations : *Gazette* 11th June, 1891, p. 1582 ; 2nd April, 1896, p. 731 ; 20th January, 1898, p. 81 ; 9th October, 1947, p. 1034 ; 5th November, 1959, p. 1106.
- s. 153. Proclamations : *Gazette* 3rd August, 1922, p. 217 ; 17th December, 1942, p. 1150 ; 9th October, 1947, p. 1033.
- Regulations : *Gazette* 24th February, 1927, p. 400 ; 7th April, 1927, p. 793 ; 15th April, 1943, p. 495 ; 1st November, 1945, p. 673 ; 2nd May, 1946, p. 837 ; 10th February, 1949, p. 336 ; 3rd March, 1949, p. 537 ; 3rd August, 1950, p. 226 ; 25th October, 1951, p. 1003 ; 23rd April, 1953, p. 971 ; 31st January, 1957, p. 148 ; 12th December, 1957, p. 1470 ; 7th July, 1960, p. 5 ; 6th October, 1960, p. 905 ; 23rd March, 1961, p. 638.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1955.

- Commencement of sections 4(a), 5(a) and 6 of the Maintenance Order (Facilities for Enforcement) Act Amendment Act, 1955 : At 5th July, 1963, these sections had not been brought into operation.
- s. 12. Proclamations : *Gazette* 7th December, 1922, p. 1458 ; 24th May, 1923, p. 1140 ; 20th March, 1924, p. 711 ; 12th November, 1925, p. 1298 ; 12th November, 1925, p. 1299 ; 17th December, 1925, p. 1606 ; 17th December, 1925, p. 1607 ; 24th December, 1925, p. 1661 ; 7th July, 1927, p. 1 ; 29th November, 1928, p. 1138 ; 15th November, 1929, p. 401 ; 10th April, 1941, p. 521 ; 10th December, 1942, p. 1124 ; 17th December, 1942, p. 1150 ; 9th December, 1948, p. 1743 ; 5th October, 1950, p. 797 ; 20th November, 1952, p. 1330 ; 4th February, 1954, p. 191 ; 17th June, 1954, pp. 1195-1196 ; 25th November, 1954, p. 1259 ; 21st April, 1955, p. 900 ; 19th April, 1956, p. 740 ; 27th September, 1956, p. 689 ; 20th December, 1956, p. 1375 ; 28th August, 1958, p. 518 ; 21st January, 1960, p. 193 ; 28th January, 1960, p. 265.

784 Table of Regulations, Rules, Proclamations, Etc.

Maintenance Orders (Facilities for Enforcement) Act, 1922-1955—continued.

Rules made under the above Act, and the Justices Act, 1921 : *Gazette* 25th October, 1923, p. 953 ; 26th February, 1931, p. 374 ; 14th June, 1956, p. 1384.

Rules of Court made under the above Act, and the Supreme Court Acts, 1878 and 1926 : *Gazette* 16th February, 1928, p. 316.

Manufacturing Industries Protection Act, 1937.

Administration : Committed to the Minister of Industry and Employment *Gazette* 17th February, 1938, p. 357.

s. 3. Proclamations : *Gazette* 5th May, 1938, p. 938 ; 11th August, 1938, p. 273 ; 20th April, 1939, p. 915 ; 28th July, 1960, p. 225.

Margarine Act, 1939-1957.

Regulations : *Gazette* 29th February, 1940, p. 490 ; 8th January, 1942, p. 55.

Regulations under section 3a : *Gazette* 7th June, 1962, p. 1491.

Marine Act, 1936-1962.

Commencement : 1st July, 1937 ; *Gazette* 25th March, 1937, p. 641.

Administration : Committed to the Minister of Marine *Gazette* 25th March, 1937, p. 641.

Regulations and rules made under the Marine Board and Navigation Acts, 1881-1933, and the Marine Act, 1936 :—

River Murray navigation : *Gazette* 30th October, 1884, p. 1641 ; 26th January, 1893, p. 157 ; 4th October, 1906, p. 714 ; 15th January, 1942, p. 64 ; 20th June, 1946, p. 1099.

Adjustment of compasses : *Gazette* 5th April, 1962, p. 754.

Engagement and discharge of seamen : *Gazette* 16th April, 1883, p. 1429 ; 4th August, 1887, p. 246 ; 26th September, 1889, p. 1354.

Receiver of Wreck : *Gazette* 26th April, 1883, p. 1429.

Survey, etc., of vessels : *Gazette* 15th April, 1880, p. 1259 ; 26th April, 1883, p. 1429 ; 1st July, 1886, p. 2 ; 30th November, 1899, p. 1197 ; 9th October, 1913, p. 815 ; 23rd June, 1921, p. 1318 ; 30th May, 1935, p. 1433 ; 19th August, 1954, p. 375 ; 2nd March, 1961, p. 470.

Examination of masters and mates : *Gazette* 14th May, 1959, p. 1030 ; 14th September, 1961, p. 1006.

Examination of engineers : *Gazette* 16th October, 1902, p. 763 ; 16th July, 1908, p. 95 ; 17th March, 1949, p. 654.

Court of Survey (Rules) : *Gazette* 19th November, 1885, p. 1328.

Court of Marine Inquiry (Rules) : *Gazette* 27th February, 1936, p. 506.

Dangerous goods : *Gazette* 20th July, 1950, p. 159 ; 24th July, 1952, p. 178.

Radio equipment on intra-state ships : *Gazette* 12th October, 1961, p. 1237.

Miscellaneous : *Gazette* 11th November, 1897, p. 1446 ; 15th February, 1900, p. 302 ; 2nd November, 1911, p. 911 ; 30th November, 1911, p. 1184 ; 22nd August, 1912, p. 466 ; 10th April, 1913, p. 680 ; 8th May, 1913, p. 100.

The Marine Stores Act, 1898-1958.

Commencement : 2nd March, 1899 ; *Gazette* 2nd March, 1899, p. 401.

Regulations : *Gazette* 22nd June, 1899, p. 1357 ; 24th September, 1908, p. 632 ; 22nd December, 1921, p. 1458 ; 5th September, 1957, p. 525.

Regulations under the Fees Regulation Act, 1927, as to fee for dealer's licence : *Gazette* 24th November, 1927, p. 1227.

Marketing of Eggs Act, 1941-1959.

Regulations : *Gazette* 4th June, 1942, p. 818 ; 18th December, 1947, p. 229 ; 22nd June, 1961, p. 1383.

The Markets Clauses Act, 1870-1956.

s. 49. Proclamation : *Gazette* 24th October, 1889, p. 1584.

Marriage Act, 1936-1961.

- Commencement : 1st May, 1937 ; *Gazette* 28th January, 1937, p. 187.
 Commencement of the Marriage Act Amendment Act, 1957 : 1st March, 1958 : *Gazette* 9th January, 1958, p. 34.
 Administration : Committed to the Chief Secretary *Gazette* 18th February, 1937, p. 334.
 Regulations : *Gazette* 22nd March, 1951, p. 647.

Matrimonial Causes Act, 1929-1941.

- Commencement : 20th March, 1930 ; *Gazette* 20th March, 1930, p. 561.
 Rules of Court : *Gazette* 5th December, 1935, p. 1349.
 (These rules are incorporated in the second schedule of the above Act, see Volume 5, pp. 710-728 of the South Australian Statutes, 1837-1936.)
 Rules of Court as to increase of costs : *Gazette* 17th June, 1937, p. 1312.

Medical Practitioners Act, 1919-1955.

- s. 30a. Proclamation : *Gazette* 12th July, 1956, p. 58.
 Regulations : *Gazette* 29th April, 1920, p. 1137 ; 26th May, 1921, p. 1111.

Mental Health Act, 1935-1962.

- Commencement : 2nd January, 1936 ; *Gazette* 2nd January, 1936, p. 1.
 Commencement of Part VIIA : 1st January, 1942 ; *Gazette* 17th July, 1941, p. 83.
 Administration : Committed to the Chief Secretary *Gazette* 5th March, 1936, p. 537.
 s. 12. Proclamations : *Gazette* 23rd March, 1922, p. 876 ; 2nd May, 1929, p. 903 ; 17th August, 1939, p. 421 ; 17th August, 1939, p. 422 ; 25th November, 1954, p. 1259 ; 18th January, 1962, p. 87.
 s. 16. Proclamation : *Gazette* 24th October, 1940, p. 841.
 s. 122. Proclamations : *Gazette* 21st January, 1915, p. 127 ; 26th October, 1922, p. 941 ; 6th November, 1952, p. 1200 ; 16th June, 1955, p. 1391.
 Regulations relating to the Parkside Mental Hospital : *Gazette* 2nd December, 1915, p. 1559 ; 20th January, 1916, p. 94 ; 21st December, 1922, p. 1560 ; 28th June, 1923, p. 1375 ; 27th January, 1927, p. 179 ; 10th January, 1935, p. 265 ; 29th March, 1956, p. 611.
 Regulations relating to the Enfield Receiving House : *Gazette* 18th January, 1923, p. 98 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 614.
 Regulations relating to the Northfield Mental Hospital : *Gazette* 13th August, 1931, p. 255 ; 18th April, 1940, p. 862 ; 2nd November, 1944, p. 613.
 Regulations relating to voluntary boarders : *Gazette* 23rd May, 1929, p. 1052.
 Regulations relating to criminal mental defectives : *Gazette* 24th October, 1940, p. 886.
 Regulations relating to powers to write off charges, etc. : *Gazette* 10th August, 1916, p. 237.
 Regulation for the alteration of forms in certain schedules to the Act : *Gazette* 27th May, 1937, p. 1206.
 Regulations relating to private mental hospitals : *Gazette* 7th August, 1941, p. 254.
 Rules of Court : *Gazette* 3rd September, 1914, p. 585.

Metropolitan and Export Abattoirs Act, 1936-1962.

- Commencement : 1st April, 1937 ; *Gazette* 25th March, 1937, p. 646.
 Commencement of the Metropolitan and Export Abattoirs Act Amendment Act, 1956 : 6th February, 1957 : *Gazette* 24th January, 1957, p. 94.
 Regulations : *Gazette* 28th August, 1952, p. 627 ; 9th April, 1953, p. 922 ; 25th March, 1954, p. 621 ; 24th June, 1954, p. 1240 ; 30th June, 1955, p. 1550 ; 26th July, 1956, p. 255 ; 18th April, 1957, p. 752 ; 10th July, 1958, p. 64 ; 25th September, 1958, p. 926 ; 18th December, 1958, p. 1638 ; 2nd July, 1959, p. 4 ; 12th January, 1961, p. 57 ; 9th March, 1961, p. 534 ; 5th July, 1962, p. 6.

Metropolitan Drainage Act, 1935.

- ss. 7, 8, and 15. Notices : *Gazette* 26th June, 1941, p. 946 ; 27th April, 1944, p. 544 ; 24th August, 1950, p. 463.
 ss. 10, 11, and 15. Notices : *Gazette* 16th June, 1938, p. 1458 ; 28th March, 1940, p. 649.
 Regulations : *Gazette* 7th July, 1938, p. 2.

Metropolitan Milk Supply Act, 1946-1957.

- Commencement of Part III : 2nd October, 1947 ; *Gazette* 2nd October, 1947, p. 970.
 Commencement of the Metropolitan Milk Supply Act Amendment Act, 1957 : 6th March, 1958 ; *Gazette* 6th March, 1958, p. 757.
- s. 18. Notices : *Gazette* 20th December, 1951, p. 1622 ; 10th December, 1953, p. 1443.
- s. 28. Notice : *Gazette* 2nd October, 1947, p. 1002.
- s. 31. Notice : *Gazette* 2nd October, 1947, p. 1002.
- Regulations fixing the price of milk : *Gazette* 21st June, 1962, p. 1591.
- Regulations fixing the price of cream : *Gazette* 12th April, 1962, p. 820.
- Regulations as to herd testing, etc. : *Gazette* 3rd September, 1953, p. 694.
- Regulations as to zoning : *Gazette* 28th February, 1957, p. 469 ; 12th December, 1957, p. 1472 ; 12th March, 1959, p. 545.
- Regulations as to bulk collections : *Gazette* 28th June, 1962, p. 1658.
- Regulations defining the metropolitan area : *Gazette* 6th March, 1958, p. 762 ; 10th September, 1959, p. 686.
- General regulations : *Gazette* 13th November, 1947, p. 1649 ; 17th February, 1949, p. 437 ; 9th August, 1951, p. 293 ; 4th April, 1957, p. 675 ; 12th March, 1959, p. 545 ; 22nd June, 1961, p. 1423 ; 28th June, 1962, p. 1661 ; 21st March, 1963, p. 697.
- Regulations as to treatment premises and depots : *Gazette* 22nd June, 1961, p. 1423.

Metropolitan Taxi-Cab Act, 1956-1957.

- Administration : Committed to the Minister of Local Government, *Gazette* 20th December, 1956, p. 1374.
- s. 3. Proclamation : 19th March, 1959, p. 587.
- s. 25. Proclamation of 1st April, 1958, as the proclaimed day : *Gazette* 28th November, 1957, p. 1277.
- Regulations under section 4 : *Gazette* 7th February, 1957, p. 182.
- General regulations : *Gazette* 8th November, 1962, p. 1291 ; 31st January, 1963, p. 201.

The Metropolitan Transport Advisory Council Act, 1954-1960.

- Administration : Committed to the Minister of Railways *Gazette* 20th January, 1955, p. 134.

Mines and Works Inspection Act, 1920-1962.

- Commencement : 20th January, 1921 ; *Gazette* 20th January, 1921, p. 106.
- Administration : Committed to the Minister of Mines *Gazette* 17th March, 1921, p. 537.
- Regulations : 5th December, 1957, p. 1375 ; 21st August, 1958, p. 445 ; 29th October, 1959, p. 1035.

Mining Act, 1930-1962.

- Regulations : 16th October, 1947, p. 1139 ; 9th September, 1948, p. 970 ; 3rd June, 1954, p. 1100 ; 12th January, 1956, p. 44 ; 12th July, 1962, p. 49 ; 22nd November, 1962, p. 1463.

Mining (Petroleum) Act, 1940-1958

- Commencement : 31st July, 1941 ; *Gazette* 31st July, 1941, p. 165.
- Regulations : *Gazette* 31st July, 1941, p. 211.

Moneylenders Act, 1940-1960.

- Commencement : 1st April, 1941 ; *Gazette* 9th January, 1941, p. 11.
- Administration : Committed to the Chief Secretary : *Gazette* 9th January, 1941, p. 12.
- s. 5(2). Proclamation : *Gazette* 24th August, 1961, p. 739.
- Regulations : *Gazette* 27th March, 1941, p. 445.

Mortgagors Relief Act, 1931-1943.

Commencement : 5th December, 1931 ; *Gazette* 5th December, 1931, p. 1065.
Rules of the Local Court : *Gazette* 28th January, 1932, p. 158.

Motor Vehicles Act, 1959-1962.

Commencement : 14th April, 1960 ; *Gazette* 14th April, 1960, p. 1039.
Commencement of section 4 of the Motor Vehicles Act Amendment Act, 1960 : 1st December, 1960 ; *Gazette* 10th November, 1960, p. 1301.
Commencement of the Motor Vehicles Amendment Act (No. 2), 1960 : 1st July, 1961 ; *Gazette* 18th May, 1961, p. 1139.
Commencement of sections 6(a), 8 and 9 of the Motor Vehicles Act Amendment Act, 1961 : 1st March, 1962 ; *Gazette* 1st March, 1962, p. 430.
Commencement of sections 4, 10 and 11 of the Motor Vehicles Act Amendment Act, 1961 : 1st May, 1962 ; *Gazette* 1st March, 1962, p. 450.
Regulations : *Gazette* 14th April, 1960, p. 1055 ; 15th June, 1961, p. 1329 ; 7th September, 1961, p. 884 ; 1st March, 1962, p. 433 ; 20th September, 1962, p. 723 ; 11th October, 1962, p. 973.

Municipal Tramways Trust Act, 1935-1952.

s. 8. Proclamation of 2nd February, 1953, as "proclaimed day" : *Gazette* 29th January, 1953, p. 107.
By-laws : *Gazette* 24th December, 1958, p. 1546.
Regulations as to the election of members of the trust : *Gazette* 29th November, 1945, p. 812.

Museum Act, 1939.

Commencement : 1st February, 1940 ; *Gazette* 18th January, 1940, p. 69.
Regulations : *Gazette* 28th March, 1940, p. 672 ; 24th July, 1952, p. 179.

The National Park and Wild Life Reserves Act, 1931-1960.

s. 4a. Proclamations : *Gazette* 3rd May, 1956, p. 896 ; 25th August, 1960, p. 569 ; 20th October, 1960, p. 1062 ; 18th January, 1962, p. 86 ; 19th July, 1962, p. 109 ; 4th April, 1963, p. 799 ; 20th June, 1963, p. 1550.
By-laws : *Gazette* 29th June, 1961, p. 1467 ; 11th January, 1962, p. 69.
Regulation under section 7a : *Gazette* 29th June, 1961, p. 1511.

The National Pleasure Resorts Act, 1914-1960.

Administration : Committed to the Minister of Immigration *Gazette* 22nd May, 1924, p. 1141.
By-laws : *Gazette* 29th October, 1925, p. 1165.

Native Plants Protection Act, 1939.

Administration : Committed to the Minister of Afforestation ; *Gazette* 10th October, 1940, p. 745.
s. 3. Proclamation : *Gazette* 10th October, 1940, p. 745.
Regulations : *Gazette* 1st August, 1946, p. 183.

Northern Areas and Whyalla Water Supply Act, 1940.

Commencement : 3rd October, 1940 ; *Gazette* 3rd October, 1940, p. 675.

The Northern Territory Surrender Act, 1907.

Commencement : 1st January, 1911 ; *Gazette* 22nd December, 1910, p. 1299.

Northern Territory Surrender Act Amendment Act, 1919.

Commencement : 1st January, 1920 ; *Gazette* 25th December, 1919, p. 1573.

Notification of Births Act, 1926-1936.

Regulations : *Gazette* 22nd December 1927, p. 1611.

Noxious Insects Act, 1934-1955.

Administration : Committed to the Minister of Agriculture *Gazette* 10th January, 1935, p. 263.

s. 3. Proclamations : *Gazette* 10th January, 1935, p. 263 ; 21st February, 1935, p. 547.

Regulations : *Gazette* 10th January, 1935, p. 264 ; 3rd November, 1955, p. 999.

Noxious Trades Act, 1943-1955.

Commencement : 1st January, 1949 ; *Gazette* 9th December, 1948, p. 1744.

Administration : Committed to the Minister of Health : *Gazette* 17th February, 1944, p. 88.

Regulations : *Gazette* 9th December, 1948, p. 1787 ; 9th December, 1948, p. 1789 ; 3rd August, 1950, p. 226 ; 3rd August, 1950, p. 227 ; 10th February, 1955, p. 240 ; 12th April, 1956, p. 701 ; 15th December, 1960, p. 1661.

Nurses Registration Act, 1920-1960.

Commencement : 2nd May, 1921 ; *Gazette* 28th April, 1921, p. 939.

Commencement of the Nurses Registration Act Amendment Act, 1959 : 1st March, 1962 ; *Gazette* 1st March, 1962, p. 429.

Commencement of the Nurses Registration Act Amendment Act, 1960 : 1st March, 1962 ; *Gazette* 1st March, 1962, p. 429.

Regulations as to the nomination of members of the board and duties of registrar : *Gazette* 7th February, 1924, p. 326.

Regulations relating to applications for registration : *Gazette* 2nd February, 1922, p. 472 ; 9th February, 1922, p. 524 ; 21st December, 1922, p. 1560 ; 20th September, 1951, p. 740 ; 8th November, 1956, p. 1047 ; 3rd May, 1962, p. 1179.

Regulations as to training and examination of nurses : *Gazette* 5th October, 1922, p. 783 ; 7th February, 1924, p. 324 ; 10th July, 1924, p. 56 ; 12th March, 1925, p. 434 ; 20th August, 1931, p. 306 ; 17th December, 1931, p. 1116 ; 7th July, 1932, p. 1 (disallowed *Gazette* 13th October, 1932, p. 744) ; 11th August, 1932, p. 238 ; 20th September, 1951, p. 740 ; 22nd July, 1954, p. 164 ; 12th May, 1955, p. 1105 ; 22nd December, 1955, p. 1544 ; 26th January, 1956, p. 129 ; 7th June, 1956, p. 1127 ; 9th August, 1956, p. 312 ; 8th November, 1956, p. 1047 ; 4th April, 1957, p. 652 ; 27th June, 1957, p. 1578 ; 21st November, 1957, p. 1201 ; 21st August, 1958, p. 446 ; 18th December, 1958, p. 1639 ; 30th April, 1959, p. 922 ; 3rd May, 1962, p. 1179.

Regulations as to training and examination of midwives : *Gazette* 5th April, 1923, p. 773 ; 30th October, 1924, p. 1079 ; 24th September, 1931, p. 575 ; 6th September, 1934, p. 479 ; 4th June, 1936, p. 1134 ; 20th September, 1951, p. 740 ; 1st September, 1955, p. 492 ; 8th November, 1956, p. 1047 ; 8th January, 1959, p. 6 ; 3rd May, 1962, p. 1179.

Regulations as to infectious diseases training : *Gazette* 19th August, 1943, p. 226.

Regulations as to special nursing certificates, etc. : *Gazette* 21st September, 1939, p. 856 ; 3rd May, 1962, p. 1179.

Regulations as to the practice of midwives : *Gazette* 7th February, 1924, p. 324 ; 3rd May, 1962, p. 1179.

Regulations relating to the wearing of badges : *Gazette* 15th July, 1926, p. 84 ; 6th December, 1956, p. 1280.

Regulations as to the form of consent to legal proceedings : *Gazette* 11th September, 1930, p. 531.

Offenders Probation Act, 1913-1953.

Administration : Committed to the Chief Secretary *Gazette* 5th February, 1914, p. 319.

Regulations : *Gazette* 26th February, 1914, p. 516 ; 7th February, 1946, p. 235 ; 24th January, 1952, p. 140.

Opticians Act, 1920-1949.

Commencement : 23rd June, 1921 ; *Gazette* 23rd June, 1921, p. 1315.

General regulations : *Gazette* 28th February, 1929, p. 470 ; 27th June, 1929, p. 1494 ; 5th September, 1929, p. 570 ; 8th March, 1934, p. 462 ; 4th April, 1940, p. 679 ; 28th March 1946 p. 529 ; 13th March 1947 p. 850 ; 4th December 1952 p. 1439 ; 19th May, 1955, p. 1142 ; 28th November, 1957, p. 1282 ; 7th April, 1960, p. 992.

Regulations under the Fees Regulation Act, 1927, as to the fees for perusing rules of the Board of Optical Registration, and for publishing the list of registered persons : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Oriental Fruit Moth Control Act, 1962.

Commencement : 31st January, 1963 ; *Gazette* 31st January, 1963, p. 194.

Administration : Committed to the Minister of Agriculture, *Gazette* 31st January, 1963, p. 194.

Pastoral Act, 1936-1960.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

s. 49. Proclamations : *Gazette* 6th August, 1936, p. 207 ; 11th February, 1937, p. 236 ; 22nd April, 1937, p. 850 ; 10th June, 1937, p. 1281 ; 24th June, 1937, p. 1363 ; 5th August, 1937, p. 309 ; 16th September, 1937, p. 698 ; 18th November, 1937, p. 1345 ; 2nd December, 1937, p. 1514 ; 10th February, 1938, p. 296 ; 24th March, 1938, p. 660 ; 27th October, 1938, p. 1100 ; 11th January, 1940, p. 33 ; 15th August, 1940, p. 274 ; 23rd December, 1943, p. 809 ; 14th March, 1946, p. 431 ; 19th September, 1946, p. 489 ; 24th December, 1946, p. 1499 ; 15th November, 1951, p. 1186.

Regulations : *Gazette* 18th January, 1923, p. 103 ; 20th March, 1930, p. 565 ; 17th March, 1938, p. 609 ; 6th December, 1956, p. 1281 ; 29th June, 1961, p. 1510 ; 15th November, 1962, p. 1398.

Pharmacy Act, 1935-1952.

Regulations : *Gazette* 10th January, 1952, p. 50 ; 27th August, 1953, p. 645 ; 25th March, 1954, p. 619 ; 29th September, 1955, p. 715 ; 14th May, 1959, p. 1034 ; 14th May, 1959, p. 1035 ; 6th April, 1961, p. 826.

Regulations under the Fees Regulation Act, 1927, relating to the charges of the Crown Solicitor for perusing and settling regulations, and to the fee for publishing a list of registered chemists : *Gazette* 19th December, 1929, p. 1311 ; 11th November, 1937, p. 1307.

Phylloxera Act, 1936-1948.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Physiotherapists Act, 1945-1955.

Commencement : 6th June, 1946 ; *Gazette* 6th June, 1946, p. 1021.

Administration : Committed to the Chief Secretary, *Gazette* 17th January, 1946, p. 71 ; 3rd October, 1946, p. 747.

Physiotherapists Act, 1945-1955—continued.

Regulations : *Gazette* 13th February, 1947, p. 677 ; 31st July, 1947, p. 260 ; 25th September, 1947, p. 933 ; 22nd January, 1948, p. 210 ; 15th July, 1948, p. 292 ; 2nd June, 1949, p. 1719 ; 7th June, 1951, p. 1267 ; 5th July, 1951, p. 44 ; 4th September, 1952, p. 725 ; 2nd October, 1952, p. 941 ; 8th January, 1953, p. 10 ; 4th March, 1954, p. 467 ; 4th July, 1957, p. 6 ; 10th July, 1958, p. 65 ; 4th August, 1960, p. 294 ; 13th December, 1962, p. 1697 ; 23rd May, 1963, p. 1336.

Pistol Licence Act, 1929.

Commencement : 1st January, 1930 ; *Gazette* 19th December, 1929, p. 1305.

Regulations : *Gazette* 5th December, 1929, p. 1216 ; 15th January, 1959, p. 72.

The Places of Public Entertainment Act, 1913-1955.

Administration : Committed to the Chief Secretary *Gazette* 11th December, 1913, p. 1679 ;

a. 4. Proclamations : *Gazette* 18th December, 1913, p. 1734 ; 15th July, 1915, p. 331 ; 7th October, 1915, p. 1020 ; 8th February, 1917, p. 263 ; 9th May, 1918, p. 945 ; 24th October, 1918, p. 916 ; 21st August, 1919, p. 379 ; 24th August, 1922, p. 415 ; 24th May, 1923, p. 1137 ; 5th March, 1925, p. 390 ; 26th November, 1925, p. 1405 ; 18th March, 1926, p. 794 ; 30th September, 1926, p. 802 ; 27th September, 1928, p. 686 ; 19th September, 1929, p. 698 ; 6th August, 1931, p. 203 ; 19th April, 1934, p. 1057 ; 7th June, 1934, p. 1393 ; 1st November, 1934, p. 885 ; 13th December, 1934, p. 1186 ; 14th February, 1935, p. 463 ; 4th July, 1935, p. 1 ; 5th September, 1935, p. 517 ; 14th November, 1935, p. 1133 ; 13th February, 1936, p. 397 ; 18th March, 1937, p. 586 ; 9th September, 1937, p. 639 ; 9th November, 1939, p. 1259 ; 15th July, 1943, p. 53 ; 20th December, 1945, p. 909 ; 7th November, 1946, p. 1173 ; 23rd January, 1947, p. 475 ; 1st May, 1947, p. 1117 ; 16th September, 1948, p. 1068 ; 6th January, 1949, p. 1 ; 20th January, 1949, p. 114 ; 20th January, 1949, p. 114 ; 11th August, 1949, p. 357 ; 22nd March, 1950, p. 567 ; 10th January, 1957, p. 22 ; 31st January, 1957, p. 145 ; 31st October, 1957, p. 1007 ; 12th December, 1957, p. 1467 ; 6th March, 1958, p. 758 ; 15th May, 1958, p. 1274 ; 14th August, 1958, p. 385 ; 9th October, 1958, p. 1017 ; 6th November, 1958, p. 1251 ; 12th February, 1959, p. 277 ; 9th April, 1959, p. 748 ; 8th October, 1959, p. 871 ; 15th September, 1960, p. 737 ; 22nd September, 1960, p. 794 ; 13th October, 1960, p. 1013 ; 14th June, 1962, p. 4, 1523 ; 4th October, 1962, p. 911 ; 2nd May, 1963, p. 1085 ; 16th May, 1963, p. 1269.

Regulations : *Gazette* 25th July, 1957, p. 209.

Police Offences Act, 1953-1961.

Commencement : 1st March, 1954 ; *Gazette* 28th January, 1954, p. 155.

Regulations made by the Governor under section 64 and under section 149a of the Police Act, 1936 relating to penalties for local government offences : *Gazette* 23rd March, 1939, p. 732 ; 14th December, 1939, p. 1612 ; 6th March, 1941, p. 337 ; 7th January, 1954, p. 6 ; 10th April, 1958, p. 1046.

Police Pensions Act, 1954-1960.

Commencement : 16th December, 1954 ; *Gazette* 16th December, 1954, p. 1468.

Commencement of the Police Pensions Act Amendment Act, 1956 : 1st January, 1957, *Gazette* 20th December, 1956, p. 1375.

Commencement of the Police Pensions Act Amendment Act, 1957 : 1st December, 1957 ; *Gazette* 28th November, 1957, p. 1278.

Commencement of the Police Pensions Act Amendment Act, 1960 : 1st January, 1961 ; *Gazette* 24th November, 1960, p. 1430.

General regulations : *Gazette* 19th December, 1929, p. 1307.

Regulations as to contributions of members on leave without pay : *Gazette* 10th October, 1935, p. 754 ; 18th January, 1940, p. 73.

Police Regulation Act, 1952-1960.

Commencement : 13th April, 1953 ; *Gazette* 2nd April, 1953, p. 634.

Commencement of the Police Regulation Act Amendment Act, 1955 : 26th January, 1956, *Gazette* 26th January, 1956, p. 127.

Regulations : *Gazette* 2nd April, 1953, p. 649 ; 26th November, 1953, p. 1312 ; 31st July, 1958, p. 271 ; 20th November, 1958, p. 1384 ; 22nd October, 1959, p. 971 ; 28th July, 1960, p. 229 ; 4th August, 1960, p. 295 ; 12th January, 1961, p. 57 ; 8th June, 1961, p. 1290 ; 18th January, 1962, p. 90 ; 25th October, 1962, p. 1128 ; 24th January, 1963, p. 149.

Port Lincoln Abattoirs Act, 1937.

Commencement : 23rd March, 1939 ; *Gazette* 23rd March, 1939, p. 671.

Regulations : *Gazette* 23rd March, 1939, p. 734 ; 18th September, 1941, p. 621 ; 20th November, 1947, p. 1705 ; 21st October, 1948, p. 1296 ; 22nd September, 1949, p. 768 ; 21st September, 1950, p. 697 ; 20th September, 1951, p. 742 ; 11th September, 1952, p. 798 ; 15th September, 1955, p. 604 ; 24th December, 1959, p. 1545 ; 30th March, 1961, p. 800 ; 16th November, 1961, p. 1657.

Potato Marketing Act, 1948.

Commencement : 24th February, 1949 ; *Gazette* 24th February, 1948, p. 484.

s. 2. Notice of affirmative result of poll : *Gazette* 17th February, 1949, p. 467.

s. 6 (5). Notice : *Gazette* 4th June, 1953, p. 1388.

s. 12. Notices : *Gazette* 3rd November, 1949, p. 1156 ; 19th January, 1950, p. 105 ; 6th April, 1950, p. 758.

s. 20. Orders : Potato Marketing Orders : No. 1, *Gazette* 3rd November, 1949, p. 1156 ; No. 2, *Gazette* 6th July, 1950, p. 20 ; No. 3, *Gazette* 24th April, 1952, p. 887 ; No. 4, *Gazette* 11th February, 1954, p. 228 ; No. 5, *Gazette* 10th January, 1963, p. 69. Potato Prices Orders : No. 18, *Gazette* 24th March, 1955, p. 638 ; No. 67, *Gazette* 28th November, 1957, p. 1286 ; No. 197, *Gazette* 7th July, 1963, p. 250 ; No. 203, *Gazette* 9th May, 1963, p. 1129 ; No. 204, *Gazette* 9th May, 1963, p. 1129.

Regulations : *Gazette* 17th March, 1949, p. 649 ; 22nd September, 1949, p. 765 ; 26th January, 1960, p. 176 ; 12th August, 1954, p. 318 ; 15th November, 1962, p. 1399.

Prevention of Cruelty to Animals Act, 1936-1960.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Regulations as to bird cages : *Gazette* 11th January, 1962, p. 52.

Prevention of Pollution of Waters by Oil Act, 1961.

Commencement : 1st June, 1962 ; *Gazette* 31st May, 1962, p. 1431.

Prices Act, 1948-1962.

Commencement : 20th September, 1948 ; *Gazette* 16th September, 1948, p. 1067.

Administration : Committed to the Treasurer *Gazette* 16th September, 1948, p. 1067.

s. 5 (4). Notices : *Gazette* 20th September, 1948, p. 1119 ; 20th September, 1948, p. 1119 ; 7th October, 1948, p. 1218 ; 7th October, 1948, p. 1218 ; 16th November, 1948, p. 1503 ; 14th April, 1949, p. 941 ; 5th May, 1949, p. 1093 ; 12th May, 1949, p. 1149 ; 7th July, 1949, p. 5 ; 22nd September, 1949, p. 764 ; 17th August, 1950, p. 329 ; 12th October, 1950, p. 863 ; 18th January, 1951, p. 76 ; 31st May, 1951, p. 1187 ; 25th October, 1951, p. 1004 ; 17th July, 1952, p. 125 ; 20th November, 1952, p. 1332 ; 11th March, 1954, p. 518 ; 17th January, 1957, p. 56 ; 9th January, 1958, p. 36 ; 15th January, 1959, p. 93 ; 10th March, 1960, p. 712 ; 12th January, 1961, p. 54 ; 1st February, 1962, p. 224.

s. 12 (2). Notices : *Gazette* 20th January, 1949, p. 117 ; 20th January, 1949, p. 120 ; 4th ; August, 1949, p. 302 ; 4th August, 1949, p. 305 ; 22nd March, 1951, p. 650 ; 5th April, 1951, p. 745 ; 9th August, 1951, p. 239 ; 6th September, 1951, p. 515 ; 6th September, 1951, p. 519 ; 6th September, 1951, p. 524 ; 6th December, 1951, p. 1401 ; 4th December, 1952, p. 1438 ; 26th March, 1953, p. 596 ; 2nd April, 1953, p. 648 ; 17th September, 1953, p. 772 ; 28th July, 1955, p. 211 ; 14th June, 1956, p. 1425 ;

Prices Act, 1948-1962—continued.

- 27th June, 1957, p. 1572; 25th September, 1958, p. 933; 16th July, 1959, p. 195; 2nd June, 1960, p. 1524; 25th August, 1960, p. 574; 11th February, 1961, p. 339; 20th April, 1961, p. 928; 30th November, 1961, p. 1858; 12th April, 1962, p. 822.
- s. 19. Proclamations of declared goods and services : *Gazette* 20th September, 1948, p. 1115; 4th November, 1948, p. 1422; 2nd December, 1948, p. 1681; 23rd December, 1948, p. 1865; 13th January, 1949, p. 51; 24th February, 1949, p. 483; 31st March, 1949, p. 839; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 14th April, 1949, p. 940; 16th June, 1949, p. 1787; 23rd June, 1949, p. 1815; 30th June, 1949, p. 1867; 30th June, 1949, p. 1867; 28th July, 1949, p. 229; 4th August, 1949, p. 294; 13th October, 1949, p. 913; 3rd November, 1949, p. 1085; 24th November, 1949, p. 1287; 12th January, 1950, p. 42; 19th January, 1950, p. 102; 9th February, 1950, p. 283; 16th February, 1950, p. 358; 30th March, 1950, p. 679; 27th April, 1950, p. 901; 25th May, 1950, p. 1099; 6th July, 1950, p. 4; 14th September, 1950, p. 654; 5th October, 1950, p. 799; 2nd November, 1950, p. 1065; 30th November, 1950, p. 1301; 18th January, 1951, p. 74; 19th January, 1951, p. 113; 22nd February, 1951, p. 403; 22nd March, 1951, p. 646; 26th April, 1951, p. 925; 21st June, 1951, p. 1333; 6th September, 1951, p. 498; 4th October, 1951, p. 829; 15th November, 1951, p. 1187; 22nd November, 1951, p. 1229; 7th February, 1952, p. 277; 21st February, 1952, p. 401; 6th March, 1952, p. 509; 19th June, 1952, p. 1321; 31st July, 1952, p. 255; 31st July, 1952, p. 255; 7th August, 1952, p. 413; 14th August, 1952, p. 471; 21st August, 1952, p. 530; 16th October, 1952, p. 1055; 30th October, 1952, p. 1147; 6th November, 1952, p. 1200; 13th November, 1952, p. 1255; 4th December, 1952, p. 1431; 15th January, 1953, p. 34; 22nd January, 1953, p. 73; 7th May, 1953, p. 1063; 13th August, 1953, p. 503; 3rd September, 1953, p. 692; 24th September, p. 829; 29th October, 1953, p. 1099; 7th January, 1954, p. 2; 4th February, 1954, p. 192; 25th February, 1954, p. 401; 15th April, 1954, p. 757; 22nd April, 1954, p. 806; 3rd June, 1954, p. 1098; 10th June, 1954, p. 1135; 15th July, 1954, p. 102; 22nd July, 1954, p. 160; 19th August, 1954, p. 361; 9th September, 1954, p. 544; 23rd September, 1954, p. 795; 4th November, 1954, p. 1107; 13th January, 1955, p. 33; 20th January, 1955, p. 135; 24th February, 1955, p. 385; 3rd March, 1955, p. 467; 10th March, 1955, p. 551; 21st April, 1955, p. 899; 19th May, 1955, p. 1139; 2nd June, 1955, p. 1255; 28th July, 1955, p. 201; 23rd February, 1956, p. 355; 30th August, 1956, p. 469; 6th December, 1956, p. 1277; 10th January, 1957, p. 22; 9th May, 1957, p. 878; 25th July, 1957, p. 175; 22nd August, 1957, p. 421; 14th November, 1957, p. 1118; 28th August, 1958, p. 517; 23rd October, 1958, p. 1115; 15th January, 1959, p. 66; 9th April, 1959, p. 748; 18th June, 1959, p. 1254; 21st January, 1960, p. 189; 24th March, 1960, p. 839; 12th May, 1960, p. 1332; 14th July, 1960, p. 70; 21st September, 1961, p. 1029; 30th August, 1962, p. 494; 4th October, 1962, p. 913; 18th October, 1962, p. 1053.
- ss. 21 and 24. Orders fixing maximum prices of declared goods and declared services :—
- Admission to cinemas : *Gazette* Prices Order No. 479, 22nd April, 1954, p. 812.
- Aerated waters : *Gazette* Prices Order No. 148, 22nd March, 1951, p. 654. *See also* Non-intoxicating drinks.
- Attache cases. *See* Kit bags.
- Automotive greases : *Gazette* Prices Order No. 439, 3rd September, 1953, p. 717.
- Bacon and ham : *Gazette* Prices Order No. 641, 30th January, 1958, p. 164.
- Bags. *See* Kit bags; Secondhand bags and sacks.
- Baling wire, galvanized fencing wire, and galvanized wire netting (manufactured in the Commonwealth of Australia) : *Gazette* Prices Orders No. 337, 24th July, 1952, p. 183; No. 372, 9th October, 1952, p. 998.
- Barbed wire (imported) : *See* Fencing wire, barbed wire, and wire netting (imported).
- Barley : *Gazette* Prices Order No. 24, 7th April, 1949, p. 891.
- Basic iron and steel products (imported) : *Gazette* Prices Order No. 252, 22nd November, 1951, p. 1285.
- Blankets and travelling rugs. *See* Woven woollen blankets and travelling rugs.
- Boot and shoe repairs : *Gazette* Prices Order No. 738, 21st September, 1961, p. 1035.
- Bran and Pollard : *Gazette* Prices Order No. 760, 20th December, 1962, p. 1764.
- Bread—
- Adelaide metropolitan area : *Gazette* Prices Order No. 746, 14th December, 1961, p. 1974.
- beyond Adelaide metropolitan area : *Gazette* Prices Order No. 747, 14th December, 1961, p. 1976.
- rye bread—Adelaide metropolitan area : *Gazette* Prices Order No. 530, 21st July, 1955, p. 139.

Prices Act, 1948-1962—continued.

- wrapped, sales by retail : *Gazette Prices Order No. 748, 14th December, 1961, p. 1973.*
- Breakfast foods (oats and oatmeal) : *Gazette Prices Order No. 559, 9th February, 1956, p. 228.*
- Bricks—
- Adelaide metropolitan area : *Gazette Prices Order No. 712, 24th March, 1960, p. 843.*
- building, cartage and delivery of : *Gazette Prices Order No. 758, 1st November, 1962, p. 1256.*
- cement. *See Cement concrete building bricks.*
- country areas : *Gazette Prices Order No. 713, 24th March, 1960, p. 843.*
- Brooms, whisks, mops, brushes (domestic) and broom handles : *Gazette Prices Order No. 539, 11th August, 1955, p. 292*
- Brown onions : *Gazette Prices Order No. 78, 23rd February, 1950, p. 430.*
- Brushes. *See Brooms*
- Builder's hardware : *Gazette Prices Order No. 60, 17th October, 1949, p. 1011.*
- Butter : *Gazette Prices Order No. 659, 3rd July, 1958, p. 13.*
- Canned fruits : *Gazette Prices Order No. 149, 29th March, 1951, p. 694.*
- Canned meats : *Gazette Prices Orders No. 137, 22nd February, 1951, p. 405 ; No. 449, 22nd October, 1953, p. 1067.*
- Cement : *See Imported cement : Portland cement.*
- Cement concrete building bricks and blocks : *Gazette Prices Order No. 414, 26th March, 1953, p. 588.*
- Cheese. *See Loaf cheese.*
- Chemists. *See Compounding and dispensing drugs and chemicals : Ethical proprietary pharmaceutical preparations.*
- Chocolates and confectionery : *Gazette Prices Order No. 297, 3rd April, 1952, p. 721.*
- Cigarettes. *See Tobacco and cigarettes.*
- Cinemas. *See Admission to cinemas.*
- Clothing and certain furnishings and household drapery sales by wholesale : *Gazette Prices Order No. 209, 6th September, 1951, p. 516.*
- Clothing—sales by retail : *Gazette Prices Order No. 756, 18th October, 1962, p. 1063.*
- Clothing—sales by wholesale : *Gazette Prices Order No. 755, 18th October, 1962, p. 1061.*
- Clothing, garments, etc., purchased or obtained from Richard Allen & Sons (1919), Pty., Ltd., and others : *Gazette Prices Order No. 376, 16th October, 1952, p. 1058.*
- Compounding and dispensing drugs and chemicals : *Gazette Prices Order No. 711, 24th March, 1960, p. 844.*
- Cooking and kitchen utensils : *Gazette Prices Order No. 741, 9th November, 1961, p. 1590.*
- Copper bars, blocks ingots, and pigs : *Gazette Prices Order No. 448, 22nd October, 1953, p. 1081.*
- Copper, scrap. *See Scrap copper.*
- Cornsacks. *See New cornsacks.*
- Crockery, chinaware, earthenware, or glassware (imported) : *Gazette Prices Order No. 617, 19th September, 1957, p. 637.*
- Drinks. *See Liquors : Non-intoxicating drinks.*
- Drugs. *See Compounding and dispensing drugs and chemicals.*
- Eggs in shell—sales by retail : *Gazette Prices Order No. 288, 14th February, 1952, p. 336.*
- Electrical installations : *Gazette Prices Orders No. 727, 20th April, 1961, p. 923 ; No. 743, 30th November, 1961, p. 1859.*
- Ethical proprietary pharmaceutical preparations (including ethical prescription proprietaries) : *Gazette Prices Order No. 709, 3rd March, 1960, p. 691.*
- Exercise books. *See School exercise books.*

Prices Act, 1948-1962—continued.

Feed wheat—

Adelaide Metropolitan area: *Gazette* Prices Order No. 759, 20th December, 1962, p. 1765.

Country areas: *Gazette* Prices Order No. 406, 12th February, 1953, p. 200.

Feltex and teprac floor coverings and other floor coverings of a similar and like nature: *Gazette* Prices Order No. 501, 19th August, 1954, p. 443.

Fencing posts—split gum: *Gazette* Prices Order No. 516, 10th February, 1955, p. 245.

Fencing wire. *See* Baling wire, etc.

Fencing wire, barbed wire, and wire netting (imported): *Gazette* Prices Order No. 234, 25th October, 1951, p. 1005.

Fertilizers: *Gazette* Prices Order No. 451, 29th October, 1953, p. 1103.

Fibrous plaster: *Gazette* Prices Order No. 754, 12th April, 1962, p. 821.

Firewood and mallee roots: *Gazette* Prices Order No. 730, 20th April, 1961, p. 920.

Firewood, industrial. *See* Industrial firewood.

Floor coverings. *See* Feltex.

Flour: *Gazette* Prices Order No. 745, 14th December, 1961, p. 1978.

Footwear—

sales by retail: *Gazette* Prices Order No. 737, 21st September, 1962, p. 1036.

materials used in the repair of. *See* Materials used in the repair of footwear.

repairs: *See* Boot and shoe repairs.

Fruits, canned. *See* Canned fruits.

Funeral services: *Gazette* Prices Order No. 534, 28th July, 1955, p. 208.

Furniture—retail: *Gazette* Prices Order No. 139, 22nd February, 1951, p. 406.

Galvanized barbed wire (manufactured in the Commonwealth of Australia): *Gazette* Prices Orders No. 338, 24th July, 1952, p. 184; No. 355, 11th September, 1952, p. 799.

Galvanized fencing wire, barbed wire, and wire, netting (manufactured in the Commonwealth of Australia). *See* Baling wire.

Galvanized iron, imported. *See* Imported galvanized iron.

Galvanized iron water tanks: *Gazette* Prices Order No. 693, 5th November, 1959, p. 1131.

Galvanized roofing nails: *Gazette* Prices Order No. 377, 16th October, 1952, p. 1060.

Galvanized steel pipe (medium) manufactured in the Commonwealth of Australia: *Gazette* Prices Order No. 728, 20th April, 1961, p. 922.

Garden hose. *See* Plastic garden hose; Rubber garden hose.

Glass jars and bottles (preserving): *Gazette* Prices Order No. 757, 1st November, 1962, p. 1256.

Golden syrup. *See* Goods—miscellaneous: Sugar, golden syrup and treacle.

Goods—Miscellaneous: *Gazette* Prices Order No. 533, 28th July, 1955, p. 213.

Goods (various): *Gazette* Prices Orders No. 114, 30th November, 1950, p. 1305; No. 203, 6th September, 1951, p. 521; No. 220, 11th October, 1951, p. 907.

Goods and services (general): *Gazette* Prices Orders No. 192, 9th August, 1951, p. 285; No. 219, 11th October, 1951, p. 907.

Grease. *See* Automotive greases.

Haircutting—Men and boys: *Gazette* Prices Order No. 527, 7th July, 1955, p. 7.

Hairdressing. *See* Ladies and girls hairdressing.

Ham. *See* Bacon and ham.

Handkerchiefs: *Gazette* Prices Order No. 152, 26th April, 1951, p. 926.

Handbags. *See* Travelware, handbags, purses and wallets.

Hand tools: *Gazette* Prices Order No. 43, 15th July, 1949, p. 161.

Hemlock. *See* Oregon and hemlock.

Hessian and Liverpool twill cloth: *Gazette* Prices Order No. 14, 20th January, 1949, p. 122.

Hides and skins (cattle, yearling and calf): *Gazette* Prices Order No. 419, 2nd April, 1953, p. 640.

Honey: *Gazette* Prices Order No. 544, 3rd November, 1955, p. 1039.

Prices Act, 1948-1962—*continued.*

- Ice—Adelaide metropolitan area : *Gazette Prices Order No. 237, 1st November, 1951, p. 1053.*
- Ice-cream—sales by retail : *Gazette Prices Order No. 502, 26th August, 1954, p. 444.*
- Imported galvanized iron : *Gazette Prices Order No. 178, 12th July, 1951, p. 60.*
- Imported Portland cement (grey) : *Gazette Prices Order No. 173, 5th July, 1951, p. 9.*
- Indian terra cotta roofing tiles : *Gazette Prices Order No. 320, 12th June, 1952, p. 1296.*
- Industrial firewood : *Gazette Prices Order No. 729, 20th April, 1961, p. 921.*
- Iron and steel products (imported). *See Basic iron and steel products.*
- Jams and jellies : *Gazette Prices Order No. 260, 29th November, 1951, p. 1334.*
- Kerosene—lighting and heating : *Gazette Prices Order No. 752, 8th February, 1962, p. 276.*
- Kitbags, attache cases, satchels and the like—Sales by wholesale and retail : *Gazette Prices Order No. 540, 11th August, 1955, p. 293.*
- Kitchen utensils. *See Cooking and kitchen utensils.*
- Ladies and girls hairdressing : *Gazette Prices Order No. 535, 28th July, 1955, p. 208.*
- Lead. *See Pig lead ; Scrap lead.*
- Leather : *Gazette Prices Orders No. 145, 15th March, 1951, p. 583 ; No. 160, 7th June, 1951, p. 1268 ; No. 533, 28th July, 1955, p. 213.*
- Liquors—sales by retail : *Gazette Prices Order No. 426, 4th June, 1953, p. 1377.*
- Loaf cheese : *Gazette Prices Order No. 660, 3rd July, 1958, p. 12.*
- Lubricating oils. *See Mineral lubricating oils.*
- Malleable pipe fittings manufactured in the Commonwealth of Australia : *Gazette Prices Order No. 680, 2nd July, 1959, p. 9.*
- Mallee roots. *See Firewood and mallee roots.*
- Margarine—table and cooking : *Gazette Prices Order No. 342, 24th July, 1952, p. 185.*
- Matches. *See Safety matches ; Wax matches.*
- Materials used in the repair of footwear—sales by retail : *Gazette Prices Order No. 398, 18th December, 1952, p. 1550.*
- Mattresses and pillows : *Gazette Prices Order No. 50, 4th August, 1949, p. 296.*
- Meat : *Gazette Prices Order No. 664, 7th August, 1958, p. 333.*
- Meat. *See also Bacon and ham ; Pork.*
- Meats, canned. *See Canned meats.*
- Mild steel rods (reinforcing quality) manufactured in the Commonwealth : *Gazette Prices Orders No. 251, 22nd November, 1951, p. 1285 ; No. 269, 6th December, 1951, p. 1404 ; No. 339, 24th July, 1952, p. 185.*
- Milk products. *See Processed milk products.*
- Mineral lubricating oils : *Gazette Prices Order No. 496, 5th August, 1954, p. 293.*
- Mops. *See Brooms.*
- Motor spirit. *See Petroleum and shale products.*
- Mouldings : *Gazette Prices Order No. 442, 17th September, 1953, p. 773.*
- Nails, brads, clouts, and staples : *Gazette Prices Order No. 361, 18th September, 1952, p. 849.*
- Nails. *See Galvanized roofing nails.*
- New cornsacks : *Gazette Prices Order No. 249, 15th November, 1951, p. 1193.*
- New tyres and tubes—sales by retail : *Gazette Prices Orders No. 146, 15th March, 1951, p. 581 ; No. 185, 19th July, 1951, p. 112 ; No. 226, 18th October, 1951, p. 965 ; No. 325, 19th June, 1952, p. 1328 ; No. 436, 6th August, 1953, p. 454 ; No. 570, 21st June, 1956, p. 1585.*
- Non-intoxicating drinks—sales by retail—Adelaide metropolitan area : *Gazette Prices Order No. 674, 11th December, 1958, p. 1577.*
- Oatmeal. *See Breakfast foods.*
- Oats. *See Breakfast foods.*
- Onions. *See Brown onions.*
- Oregon and hemlock : *Gazette Prices Order No. 514, 16th December, 1954, p. 1475.*
- Paint : *Gazette Prices Order No. 661, 10th July, 1958, p. 66.*

Prices Act, 1948-1962—continued.

- Perambulators and baby carriages—sales by retail : *Gazette Prices Order No. 275*, 10th January, 1952, p. 46.
- Petroleum and shale products—motor spirit : *Gazette Prices Order No. 751*, 25th 1962, p. 146.
- Pig lead : *Gazette Prices Order No. 369*, 9th October, 1952, p. 998.
- Pillows. *See* Mattresses and pillows.
- Pipes. *See* Galvanized and black steel pipes : Goods—Miscellaneous : Malleable pipe fittings.
- Plaster, fibrous. *See* Fibrous plaster.
- Plastic garden hose : *Gazette Prices Order No. 373*, 16th October, 1952, p. 1059.
- Plumbing charges : *Gazette Prices Order No. 742*, 30th November, 1961, p. 1857.
- Pollard. *See* Bran and pollard.
- Pork : *Gazette Prices Order No. 665*, 7th August, 1958, p. 339.
- Portland cement (grey) manufactured from imported materials : *Gazette Prices Order No. 313*, 5th June, 1952, p. 1245.
- Portland cement (grey) manufactured in South Australia : *Gazette Prices Order No. 490*, 15th July, 1954, p. 110.
- Portland cement (grey) manufactured in the Commonwealth of Australia (other than in South Australia) : *Gazette Prices Order No. 357*, 18th September, 1952, p. 850.
- Posts. *See* Fencing posts.
- Potatoes : *Gazette Prices Order No. 487*, 8th July, 1954, p. 66.
- Processed milk products : *Gazette Prices Order No. 244*, 15th November, 1951, p. 1193.
- Purses. *See* Travelware, handbags, purses and wallets.
- Radiata pine sawn timber : *Gazette Prices Order No. 483*, 22nd April, 1954, p. 811.
- Radio receivers, radio gramophones and radiograms : *Gazette Prices Order No. 138*, 22nd February, 1951, p. 406.
- Ready-made garments : *Gazette Prices Orders No. 207*, 6th September, 1951, p. 513 ; *No. 240*, 1st November, 1951, p. 1054.
- Retreading and recapping : *Gazette Prices Order No. 480*, 15th April, 1954, p. 771.
- Rice (polished) : *Gazette Prices Order No. 425*, 4th June, 1953, p. 1379.
- Roofing nails. *See* Galvanized roofing nails.
- Rubber articles : *Gazette Prices Order No. 107*, 2nd November, 1950, p. 1070.
- Rubber garden hose : *Gazette Prices Order No. 454*, 5th November, 1953, p. 1170.
- Rye bread. *See* bread.
- Sacks. *See* Secondhand bags and sacks : Secondhand wool sacks.
- Safety matches : *Gazette Prices Order No. 440*, 17th September, 1953, p. 770.
- Sago and tapioca : *Gazette Prices Order No. 640*, 2nd January, 1958, p. 1. *See also* Goods—Miscellaneous.
- Salt, loose, fine : *Gazette Prices Order No. 507*, 14th October, 1954, p. 977.
- Satchels. *See* Kitbags.
- Sauce. *See* Tomato sauce.
- Sawn Tasmanian timber : *Gazette Prices Order No. 493*, 29th July, 1954, p. 236.
- School exercise books and the like—sales by retail : *Gazette Prices Orders No. 533*, 28th July, 1955, p. 213 ; *No. 750*, 18th January, 1962, p. 115.
- Scrap copper : *Gazette Prices Order No. 352*, 4th September, 1952, p. 727.
- Scrap lead : *Gazette Prices Order No. 370*, 9th October, 1952, p. 999.
- Secondhand bags and sacks : *Gazette Prices Order No. 322*, 19th June, 1952, p. 1332.
- Secondhand wool sacks : *Gazette Prices Order No. 180*, 12th July, 1951, p. 61.
- Services (general). *See* Goods and services.
- Services (various) : *Gazette Prices Order No. 202*, 6th September, 1951, p. 522.
- Sheets tea towels, etc. : *Gazette Prices Orders No. 124*, 21st December, 1950, p. 1859 ; *No. 177*, 12th July, 1951, p. 60 ; *No. 248*, 15th November, 1951, p. 1188.
- Shirts, collars, flannels, underpants and pyjamas : *Gazette Prices Orders No. 206*, 6th September, 1951, p. 525 ; *No. 239*, 1st November, 1951, p. 1054.
- Smallgoods : *Gazette Prices Order No. 630*, 28th November, 1957, p. 1281.

Prices Act, 1948-1962—*continued.*

- Soap : *Gazette* Prices Order No. 445, 22nd October, 1953, p. 1081.
 Solder : *Gazette* Prices Order No. 365, 2nd October, 1952, p. 942.
 Soup. *See* Tomato soup.
 Steel products (imported) : *See* Basic iron and steel products.
 Steel rods. *See* Mild steel rods.
 Steel sheets (galvanized and zinc anneal) manufactured in the Commonwealth of Australia : *Gazette* Prices Order No. 749, 18th January, 1962, p. 116.
 Sugar, and golden syrup : *Gazette* Prices Order No. 567, 17th May, 1956, p. 968.
 Tanks. *See* Galvanized iron water tanks.
 Tapioca. *See* Goods—Miscellaneous : Sago and tapioca.
 Tea : *Gazette* Prices Order No. 610, 27th June, 1957, p. 1568.
 Teprao floor coverings. *See* Feltex.
 Tiles. *See* Indian terra cotta roofing tiles.
 Timber. *See* Fencing posts ; Mouldings : Oregon and hemlock : Radiata pine sawn timber : Sawn Tasmanian timber : Western Australian hardwood.
 Tobacco and cigarettes—sales by retail : *Gazette* Prices Order No. 575, 30th August, 1956, p. 475.
 Tomato sauce : *Gazette* Prices Order No. 525, 16th June, 1955, p. 1397.
 Tomato soup : *Gazette* Prices Order No. 424, 14th May, 1953, p. 1098.
 Travelware, handbags, purses and wallets—
 sales by manufacturers : *Gazette* Prices Order No. 267, 6th December, 1951, p. 1401.
 sales by wholesale and retail : *Gazette* Prices Order No. 268, 6th December, 1951, p. 1400.
 Tyres and tubes. *See* New tyres and tubes.
 Wallets. *See* Travelware, handbags, purses and wallets.
 Wattle bark : *Gazette* Prices Order No. 57, 13th October, 1949, p. 914.
 Wax matches (waterproof) : *Gazette* Prices Order No. 348, 14th August, 1952, p. 512.
 Western Australian hardwood : *Gazette* Prices Order No. 494, 29th July, 1954, p. 233.
 Wheat. *See* Feed wheat.
 Whisks. *See* Brooms.
 Wire. *See* Baling wire, etc.; Galvanized barbed wire.
 Wire netting. *See* Baling wire, etc.; Fencing wire, etc.
 Wool furnishing materials : *Gazette* Prices Order No. 41, 30th June, 1949, p. 1871.
 Wool sacks. *See* Secondhand wool sacks.
 Woven woollen blankets and travelling rugs manufactured by the Onkaparinga Woollen Company Limited : *Gazette* Prices Orders No. 190, 26th July, 1951, p. 177 ; No. 272, 13th December, 1951, p. 1457.
 Zinc bars, blocks, and ingots : *Gazette* Prices Order No. 371, 9th October, 1952, p. 998.
 a. 27 (5). Notices of exemption : *Gazette* 16th November, 1948, p. 1505 ; 16th November, 1948, p. 1508 ; 24th March, 1949, p. 793 ; 7th April, 1949, p. 890 ; 3rd November, 1949, p. 1086 ; 10th November, 1949, p. 1168 ; 12th January, 1950, p. 46 ; 3rd August, 1950, p. 228 ; 24th August, 1950, p. 464 ; 2nd November, 1950, p. 1071 ; 23rd November, 1950, p. 1256 ; 30th November, 1950, p. 1303 ; 4th January, 1951, p. 3 ; 8th February, 1951, p. 237 ; 17th May, 1951, p. 1071 ; 14th June, 1951, p. 1305 ; 25th October, 1951, p. 1004 ; 1st November, 1951, p. 1053 ; 17th January, 1952, p. 105 ; 3rd July, 1952, p. 12 ; 6th November, 1952, p. 1204 ; 12th February, 1953, p. 200 ; 19th March, 1953, p. 519 ; 20th August, 1953, p. 548 ; 29th October, 1953, p. 1104 ; 29th October, 1953, p. 1105 ; 26th November, 1953, p. 1313 ; 10th December, 1953, p. 1406 ; 7th January, 1954, p. 40 ; 4th February, 1954, p. 203 ; 11th February, 1954, p. 228 ; 3rd June, 1954, p. 1104 ; 8th July, 1954, p. 66 ; 8th December, 1955, p. 1295 ; 13th December, 1956, p. 1361 ; 5th December, 1957, p. 1368 ; 20th March, 1958, p. 871 ; 4th December, 1958, p. 1545 ; 3rd December, 1959, p. 1387 ; 14th July, 1960, p. 81 ; 8th December, 1960, p. 1622 ; 14th December, 1961, p. 1977 ; 20th December, 1962, p. 1765.
 a. 35 (2). Orders of exemption : *Gazette* 20th January, 1949, p. 115 ; 22nd September, 1949, p. 764.
 Regulations : *Gazette* 3rd March, 1949, p. 537 ; 19th May, 1949, p. 1420 ; 15th June, 1950, p. 1273 ; 5th April, 1951, p. 735 ; 20th September, 1951, p. 740 ; 1st April, 1954, p. 667.
 Notice pursuant to regulation 6 : *Gazette* 22nd June, 1950, p. 1277 (lead and scrap lead).

Primary Producers Assistance Act, 1943.

Commencement : 1st January, 1944 ; *Gazette* 23rd December, 1943, p. 810.

Administration : Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.

Primary Producers' Debts Act, 1935-1943.

Administration : Committed to the Minister of Lands *Gazette* 25th February, 1954, p. 400.

Regulations : *Gazette* 11th July, 1935, p. 75 ; 18th June, 1936, p. 1210.

Prisons Act, 1936-1956.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

s. 13. Proclamations : *Gazette* 7th September, 1939, p. 690 ; 8th August, 1940, p. 221 ; 26th June, 1952, p. 1381 ; 19th January, 1956, p. 75 ; 9th February, 1956, p. 224 ; 5th November, 1959, p. 1106.

s. 18. Proclamations : *Gazette* 21st September, 1939, p. 813 ; 3rd March, 1960, p. 644 ; 14th September, 1961, p. 949.

General prison regulations : *Gazette* 10th November, 1960, p. 1305 ; 9th March, 1961, p. 535 ; 23rd March, 1961, p. 639 ; 7th March, 1963, p. 588.

Police prison regulations : *Gazette* 30th August, 1906, p. 453 ; 13th August, 1908, p. 309.

Proof of Sunrise and Sunset Act, 1923.

Administration : Committed to the Minister of Local Government *Gazette* 20th December, 1923, p. 1435.

Public Charities Funds Act, 1935-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Administration : Committed to the Chief Secretary *Gazette* 25th March, 1937, p. 643.

s. 4. Proclamations : *Gazette* 19th December, 1940, p. 1552 ; 17th June, 1954, p. 1196.

Public Parks Act, 1943.

Administration : Committed to the Minister of Local Government *Gazette* 27th January, 1944, p. 92.

Public Service Act, 1936-1960.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Commencement of sections 4 to 10 of the Public Service Act Amendment Act, 1948 : 14th June, 1949 ; *Gazette* 2nd June, 1949, p. 1500.

Commencement of section 11 of the Public Service Act Amendment Act, 1948 : 16th December, 1948 ; *Gazette* 16th December, 1948, p. 1801.

s. 6. (1). Proclamations : *Gazette* 26th June, 1952, p. 1381 ; 15th December, 1955, p. 1337 ; 1st March, 1956, p. 421 ; 22nd March, 1956, p. 569 ; 19th April, 1956, p. 741 ; 14th June, 1956, p. 1378 ; 2nd August, 1956, p. 259 ; 23rd August, 1956, p. 398 ; 14th February, 1957, p. 226 ; 4th July, 1957, p. 2 ; 16th June, 1960, p. 1587.

s. 6 (2). Proclamations : *Gazette* 22nd June, 1944, p. 735 ; 17th July, 1947, p. 93 ; 23rd June, 1949, p. 1829 ; 21st July, 1949, p. 167 ; 23rd February, 1950, p. 427 ; 19th October, 1950, p. 945 ; 7th December, 1950, p. 1365 ; 17th June, 1954, p. 1196 ; 16th October, 1958, p. 1071 ; 4th May, 1961, p. 1042.

s. 25. Proclamations : *Gazette* 14th June, 1917, p. 992 ; 30th January, 1919, p. 231 ; 4th September, 1919, p. 517 ; 4th December, 1919, p. 1411 ; 22nd July, 1920, p. 117 ; 28th October, 1920, p. 1119 ; 13th October, 1921, p. 866 ; 23rd February, 1922, p. 641 ; 29th March, 1923, p. 689 ; 31st March, 1927, p. 741 ; 7th April, 1927, p. 791 ; 16th June, 1927, p. 1301 ; 8th December, 1927, p. 1514 ; 13th December, 1928, p. 1214 ; 31st January, 1929, p. 217 ; 28th March, 1929, p. 635 ; 3rd October, 1929, p. 802 ; 13th November, 1930, p. 985 ; 20th November, 1930, p. 1025 ; 2nd April, 1936, p. 734 ; 2nd July, 1936, p. 1 ; 8th October, 1936, p. 698 ; 14th March, 1940, p. 537 ; 16th March, 1944, p. 301 ; 21st September, 1944, p. 357 ; 12th February,

Public Service Act, 1936-1960—continued.

1948, p. 360; 19th February, 1948, p. 399; 11th November, 1948, p. 1459; 22nd June, 1950, p. 1275; 28th June, 1951, p. 1373; 21st January, 1954, p. 123; 25th February, 1954, p. 400; 10th June, 1954, p. 1136; 14th May, 1959, p. 1025; 15th October, 1959, p. 935.

s. 45. Notices : *Gazette* 9th September, 1937, p. 667; 16th September, 1937, p. 699.

Regulations : *Gazette* 16th February, 1922, p. 569; 13th July, 1922, p. 54; 20th March, 1924, p. 711; 19th June, 1924, p. 1360; 18th October, 1926, p. 965 (Nos. 2-10, inclusive, not now in force); 10th May, 1928, p. 964; 1st November, 1928, p. 978; 14th August, 1930, p. 296; 3rd September, 1936, p. 418; 12th November, 1936, p. 1065; 31st March, 1938, p. 708; 13th October, 1938, p. 1032; 7th November, 1940, p. 1006; 18th December, 1941, p. 1503; 20th July, 1944, p. 110; 19th April, 1945, p. 595; 20th September, 1945, p. 485; 14th March, 1946, p. 432; 6th May, 1948, p. 928; 10th June, 1948, p. 1204; 17th March, 1949, p. 653; 14th July, 1949, p. 67; 20th October, 1949, p. 999; 10th November, 1949, p. 1196; 19th January, 1950, p. 108; 20th July, 1950, p. 158; 5th April, 1951, p. 735; 17th May, 1951, p. 1072; 21st June, 1951, p. 1371; 28th June, 1951, p. 1376; 12th July, 1951, p. 53; 19th July, 1951, p. 154; 15th May, 1952, p. 1060; 6th August, 1953, p. 450; 13th August, 1953, p. 505; 23rd September, 1954, p. 798; 7th October, 1954, p. 919; 8th September, 1955, p. 559; 3rd November, 1955, p. 1000; 12th September, 1957, p. 586; 31st October, 1957, p. 1012; 5th December, 1957, p. 1373; 9th October, 1958, p. 1022; 26th March, 1959, p. 650; 13th August, 1959, p. 396; 4th May, 1961, p. 1045.

Public Service Arbitration Act, 1961.

Administration : Committed to the Minister of Labour and Industry, *Gazette* 16th November, 1961, p. 1652.

Public Service Superannuation Fund (Arrangement) Act, 1960.

s. 2. Notice : *Gazette* 15th December, 1960, p. 1674.

s. 3. Proclamation : 11th May, 1961, p. 1091.

Public Supply and Tender Act, 1914-1940.

Commencement . 17th December, 1914; *Gazette* 17th December, 1914, p. 1265.

Administration : Committed to the Commissioner of Public Works; *Gazette* 17th December, 1914, p. 1265.

Regulations : *Gazette* 6th November, 1930, p. 961 28th May, 1931, p. 855.

Public Works Standing Committee Act, 1927-1955.

Commencement of the Public Works Standing Committee Act Amendment Act, 1961; 14th February, 1952; *Gazette* 14th February, 1952, p. 329.

Regulations : *Gazette* 5th September, 1940, p. 513; 13th December, 1951, p. 1460; 14th February, 1952, p. 388; 4th February, 1954, p. 194; 18th April, 1957, p. 803; 14th May, 1959, p. 1029; 13th September, 1962, p. 657.

Pulp and Paper Mills Agreement Act, 1958.

Commencement : 15th January, 1959, *Gazette* 15th January, 1959, p. 65.

Administration : Committed to the Minister of Works; *Gazette* 22nd January, 1959, p. 105.

Radium Hill Water Supply Agreement Act, 1953.

Commencement : 28th January, 1954; *Gazette* 28th January, 1954, p. 155.

The Real Property Act, 1886-1961.

Commencement of Real Property Act Amendment Act, 1939 : 1st February, 1940; *Gazette* 11th January, 1940, p. 38 (republished 18th January, 1940, p. 70).

Regulations under the Fees Regulation Act, 1927, relating to fees : *Gazette* 24th November, 1927, p. 1229; 30th August, 1934, p. 428; 13th September, 1956, p. 581; 20th September, 1962, p. 722.

800 Table of Regulations, Rules, Proclamations, Etc.

Real Property (Registration of Titles) Act, 1945.

Regulations : *Gazette* 12th September, 1946, p. 486.

Recreation Grounds (Regulations) Act, 1931-1935.

Regulations as to the Adelaide Oval : *Gazette* 18th August, 1932, p. 273.

Regulations as to Mortlock Park : *Gazette* 2nd November, 1933, p. 931.

Regulations as to the Norwood Oval : *Gazette* 19th January, 1933, p. 70.

Regulations as to the Thebarton Oval : *Gazette* 24th September, 1959, p. 767.

Regulations as to the Unley Oval : *Gazette* 15th June, 1933, p. 1007 ; 29th January, 1948, p. 229

Redhill to Port Augusta Railway Agreement Act, 1935.

Commencement : 20th December, 1935 ; *Gazette* 19th December, 1935, p. 1445.

Red Scale Control Act, 1962.

Commencement : 31st January, 1963 ; *Gazette* 31st January, 1963, p. 193.

Administration : Committed to the Minister of Agriculture *Gazette* 31st January, 1963, p. 193.

s. 4. Proclamation : *Gazette* 7th February, 1963, p. 245.

Registration of Business Names Act, 1928-1961.

Commencement : 1st October, 1928 ; *Gazette* 27th September, 1928, p. 686.

Regulations : *Gazette* 27th September, 1928, p. 688 ; 28th May, 1942, p. 791 ; 1st March, 1956, p. 422 ; 9th June, 1960, p. 1552.

Registration of Deeds Act, 1935-1962.

Rules and regulations : *Gazette* 13th February, 1919, p. 325 ; 29th November, 1945, p. 811 ; 15th November, 1962, p. 1394.

Registration of Dogs Act, 1924-1957.

Administration : Committed to the Minister of Local Government *Gazette* 18th December, 1924, p. 1561.

s. 6. Proclamations : *Gazette* 30th March, 1933, p. 520 ; 27th April, 1933, p. 657 ; 18th January, 1934, p. 77 ; 13th June, 1935, p. 1511 ; 20th February, 1936, p. 442 ; 26th March, 1936, p. 689 ; 8th April, 1937, p. 745 ; 30th March, 1944, p. 382 ; 8th June, 1944, p. 699 ; 19th April, 1945, p. 551 ; 7th June, 1945, p. 845 ; 27th March, 1947, p. 901 ; 11th July, 1957, p. 51.

Regulations : *Gazette* 22nd January, 1925, p. 100 ; 9th February, 1928, p. 261.

Renmark Irrigation Trust Act, 1936-1959.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.

Commencement of sections 4, 6, 8, 10, 14, 15, 18 and 19 of the Renmark Irrigation Trust Act Amendment Act, 1959 : 1st July, 1960 ; *Gazette* 16th June, 1960, p. 1588.

Administration : Committed to the Minister of Irrigation *Gazette* 1st February, 1945, p. 145.

s. 115(2). Proclamation : 7th July, 1960, p. 1.

By-laws : *Gazette* 21st September, 1950, p. 731.

River Murray Waters Act, 1935-1958.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Commencement of River Murray Waters Act Amendment Act, 1948 : 7th July, 1949 ; *Gazette* 7th July, 1949, p. 1.

Commencement of River Murray Waters Act Amendment Act, 1954 : 7th April, 1955 ; *Gazette* 7th April, 1955, p. 807.

River Murray Waters Act, 1935-1958—continued.

- Commencement of River Murray Waters Act Amendment Act, 1958 ; 12th December, 1958, *Gazette* 18th December, 1958, p. 1635.
- Regulations as to the use of surplus water : *Gazette* 23rd August, 1917, p. 481.
- Notice as to records to be kept of water diverted from the River Murray : *Gazette* 22nd November, 1917, p. 1144.
- Regulations (made by the River Murray Commission) as to tolls for use of lock at Blanchetown : *Gazette* 23rd March, 1922, p. 933.
- River Murray traffic regulations : *Gazette* 24th September, 1936, p. 646.
- Regulations for protection of locks and barrages : *Gazette* 18th July, 1940, p. 87.

River Torrens (Prohibition of Excavations) Act, 1927-1934.

- Administration : Committed to the Commissioner of Public Works *Gazette* 17th June, 1937, p. 1306.

River Torrens Protection Act, 1949.

- Commencement : 1st October, 1950 ; *Gazette* 31st August, 1950, p. 521.
- Administration : Committed to the Minister of Works *Gazette* 31st August, 1950, p. 521.
- s. 4. Proclamations : *Gazette* 31st August, 1950, p. 521 ; 19th July, 1962, p. 110.
- Regulations : *Gazette* 12th October, 1950, p. 865.

Road and Railway Transport Act, 1930-1957.

- Commencement of the Road and Railway Transport Act Amendment Act, 1956 : 1st February, 1957 ; *Gazette* 17th January, 1957, p. 53.
- Administration : Committed to the Minister of Railways *Gazette* 12th March, 1931, p. 471.
- s. 10. Orders : *Gazette* 16th July, 1942, p. 46 ; 13th September, 1956, p. 580 ; 7th February, 1963, p. 249.
- s. 27e. Commencement : 14th March 1940 : *Gazette* 14th March, 1940, p. 538.
- Regulations : *Gazette* 11th June, 1959, p. 1203.

Roads (Opening and Closing) Act, 1932-1946.

- Regulations : *Gazette* 9th December, 1948, p. 1746.
- Regulations under the Fees Regulation Act, 1927, relating to fees payable on issue of title and other matters : *Gazette* 31st May, 1928, p. 1147 ; 15th November, 1962, p. 1397.

Road Traffic Act, 1961.

- Commencement : 30th August, 1962 ; *Gazette* 30th August, 1962, p. 493.
- Administration : Committed to the Minister of Roads *Gazette* 31st January, 1963, p. 194.
- s. 3. Proclamation : *Gazette* 30th August, 1962, p. 493
- s. 9. Proclamation : *Gazette* 30th August, 1962, p. 493.
- s. 32. Regulations : *Gazette* 30th August, 1962, p. 546 (Lincoln Highway near Whyalla, road near Lake Bonney, Barmera) ; 20th September, 1962, p. 724 (Brown Hill Creek Public Pleasure Resort) ; 18th October, 1962, p. 1055 (South-Eastern Main Road No. 1) ; 18th October, 1962, p. 1056 (Myponga Reservoir Road).
- Regulations : *Gazette* 30th August, 1962, p. 509, 11th October, 1962, p. 971.
- Regulation under the Fees Regulation Act, 1927, fixing fee for inspection of vehicle : *Gazette* 21st March, 1963, p. 696.

Sale of Fruit Act, 1915-1935.

- Regulations : *Gazette* 3rd December, 1936, p. 1195 ; 25th December, 1947, p. 2265.

Sale of Goods Act, 1895-1952.

- s. 57a. Commencement : 1st July, 1938 ; *Gazette* 9th June, 1938, p. 1270.
- s. 57b. Commencement : 1st March, 1954 : *Gazette* 25th February, 1954, p. 400.

Sandalwood Act, 1930-1949.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 4th December, 1930, p. 1129.

Regulations : *Gazette* 7th July, 1932, p. 2 ; 6th December, 1934, p. 1142.

Sand Drift Act, 1923-1935.

Commencement : 8th May, 1924 ; *Gazette* 8th May, 1924, p. 1057.

Administration : Committed to the Minister of Local Government *Gazette* 24th January, 1924, p. 151.

s. 4 (1). Proclamation : *Gazette* 6th February, 1941, p. 148.

s. 28. Proclamations : *Gazette* 14th October, 1926, p. 922 ; 24th February, 1927, p. 397 ; 5th January, 1928, p. 2 ; 23rd May, 1929, p. 1051 ; 13th August, 1931, p. 253 ; 19th September, 1935, p. 637 ; 10th October, 1935, p. 754 ; 26th January, 1939, p. 246 ; 2nd May, 1940, p. 897 ; 20th June, 1940, p. 1350 ; 29th August, 1940, p. 405 ; 23rd April, 1942, p. 613 ; 10th June, 1943, p. 706.

Regulations : *Gazette* 19th January, 1928, p. 91 ; 1st November, 1945, p. 672.

San José Scale Control Act, 1962.

Commencement : 31st January, 1963 ; *Gazette* 31st January, 1963, p. 193.

Administration : Committed to the Minister of Agriculture *Gazette* 31st January, 1963, p. 193.

The Savings Bank of South Australia Act, 1929-1959.

Rules : *Gazette* 4th March, 1943, p. 272.

Scaffolding Inspection Act, 1934-1961.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 642.

Administration : Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 642.

s. 3. Proclamations and regulations : *Gazette* 17th October, 1940, p. 777 ; 13th February, 1941, p. 181 ; 25th November, 1954, p. 1262 ; 3rd March, 1960, p. 644 ; 16th March, 1961, p. 565 ; 1st June, 1961, p. 1245 ; 14th September, 1961, p. 948 ; 25th October, 1962, p. 1127 ; 10th January, 1963, p. 39 ; 21st March, 1963, p. 696 ; 6th June, 1963, p. 1474.

Regulations amending the second schedule : *Gazette* 14th September, 1944, p. 324 ; 13th June, 1957, p. 1469 ; 1st October, 1959, p. 825 ; 18th May, 1961, p. 1142 ; 27th June, 1963, p. 1659.

School of Mines and Industries Act, 1892-1959.

Commencement : 1st February, 1893 ; *Gazette* 19th January, 1893, p. 96.

Commencement of the School of Mines and Industries Act Amendment Act, 1959 : 18th January, 1960 ; *Gazette* 14th January, 1960, p. 117.

s. 8. Proclamations : *Gazette* 7th January, 1935, p. 407 ; 27th August, 1959, p. 511.

Rules and regulations : *Gazette* 16th June, 1960, p. 1592.

Second-hand Dealers Act, 1919-1958.

Commencement : 12th August, 1920 ; *Gazette* 12th August, 1920, p. 315.

Administration : Committed to the Chief Secretary *Gazette* 19th August, 1920, p. 379.

Regulations : *Gazette* 27th July, 1950, p. 170 ; 12th December, 1957, p. 1470 ; 6th March, 1958, p. 762.

Settled Estates Act, 1880-1943.

Rules of Court : *Gazette* 5th April, 1883, p. 1174.

Sewerage Act, 1929-1962.

- s. 79. Proclamation : *Gazette* 27th May, 1926, p. 1365.
 Regulations : *Gazette* 18th August, 1960, p. 457 ; 7th February, 1963, p. 251.
 Regulation under the Fees Regulation Act, 1927, fixing fees for services relating to sewers :
Gazette 14th April, 1960, p. 1042.

Sharebrokers Act, 1945.

- Commencement : 1st July, 1946 ; *Gazette* 27th June, 1946, p. 1121
 Regulations : *Gazette* 27th June, 1946, p. 1172.

Shearers Accommodation Act, 1922-1958.

- Commencement of the Shearers Accommodation Act Amendment Act, 1958 : 27th August, 1959 ; *Gazette* 27th August, 1959, p. 513.
 Administration : Committed to the Minister of Industry *Gazette* 18th January, 1923, p. 93.
 Proclamation under section 2 (2) of the Shearers Accommodation Act Amendment Act, 1947, declaring 1st February, 1954, as the day on which the 1939-1945 war ceased :
Gazette 28th January, 1954, p. 155.

Soil Conservation Act, 1939-1960.

- Administration : Committed to the Minister of Agriculture *Gazette* 4th January, 1940, p. 3.
 s. 6a. Proclamations : *Gazette* 29th May, 1947, p. 1559 ; 12th June, 1947, p. 1637 ; 26th June, 1947, p. 1709 ; 17th July, 1947, p. 94 ; 23rd October, 1947, p. 1255 ; 22nd April, 1948, p. 825 ; 9th September, 1948, p. 955 ; 30th September, 1948, p. 1167 ; 22nd November, 1951, p. 1229.
 s. 6c. Proclamations : *Gazette* 26th July, 1951, p. 173 ; 30th April, 1953, p. 1011 ; 15th July, 1954, p. 102 ; 27th November, 1958, p. 1428.
 s. 9. Proclamations : *Gazette* 29th April, 1943, p. 549 ; 24th July, 1947, p. 131 ; 27th November, 1952, p. 1384 ; 1st December, 1960, p. 1525 ; 3rd August, 1961, p. 581.
 Regulations : *Gazette* 15th February, 1945, p. 273 ; 2nd October, 1947, p. 1027 ; 17th January, 1962, p. 86.

South Australian Electric Light and Motive Power Company's Act, 1897.

- Administration of ss. 6 and 7 : Committed to the Minister of Works ; *Gazette* 20th December, 1962, p. 1756.

South Australian Housing Trust Act, 1936-1952.

- Administration : Committed to the Treasurer *Gazette* 14th January, 1937, p. 33.

South Australian Railways Commissioner's Act, 1936-1957.

- Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

- s. 53n. Proclamation : *Gazette* 29th October, 1942, p. 889.

By-laws—

1. General by-laws governing passengers and public—By-law A : *Gazette* 16th August, 1906, p. 355 ; by-law D : *Gazette* 24th June, 1920, p. 1487 ; by-law N : *Gazette* 30th July, 1959, p. 320.
2. Removal of goods from railway premises—By-law F : *Gazette* 7th January, 1932, p. 20.
3. Tickets covering combined services—By-law G : *Gazette* 12th July, 1934, p. 42.
4. Conduct of passengers and persons on railway premises—By-law H : *Gazette* 17th February, 1938, p. 359 ; By-law K : *Gazette* 17th May, 1945, p. 699.
5. Rates and conditions for the carriage of merchandise, minerals, livestock, &c.—By-law 226 : *Gazette* 9th March, 1934, p. 541 ; by-law 229 (livestock) : *Gazette* 25th April, 1935, p. 1198 ; by-law No. 232 (crude oil, kerosene, and motor spirit) : *Gazette* 18th June, 1936, p. 1212 ; by-law No. 236 (carriage of perishable traffic) : *Gazette* 4th January, 1940, p. 31 ; by-law No. 237 (carriage of

South Australian Railways Commissioner's Act, 1936-1957—continued.

- motor vehicles); *Gazette* 17th April, 1941, p. 558; by-law No. 244 (carriage of freight, livestock, etc.); *Gazette* 17th February, 1949, p. 419; by-law No. 246 (carriage of freight, livestock, etc.): *Gazette* 31st August, 1950, p. 537; by-law No. 249; *Gazette* 14th December, 1951, p. 1505; by-law No. 252; *Gazette* 26th June, 1952, p. 1410; by-law No. 255; *Gazette* 26th July, 1956, p. 209; by-law No. 257; *Gazette* 31st January, 1958, p. 203; by-law No. 258; *Gazette* 30th July, 1959, p. 321; by-law No. 262; *Gazette* 14th July, 1960, p. 85.
6. Passenger rates and conditions—By-law No. 253; *Gazette* 3rd July, 1953, p. 37; by-law No. 254; *Gazette* 10th March, 1955, p. 554; by-law No. 256; *Gazette* 5th September, 1957, p. 526; by-law No. 259; *Gazette* 30th July, 1959, p. 322; by-law No. 260; *Gazette* 3rd September, 1959, p. 586; by-law No. 261; *Gazette* 14th July, 1960, p. 102.
7. Use of railway facilities for loading and unloading merchandise other than rail-borne merchandise—By-law 230: *Gazette* 23rd January, 1936, p. 218.

Regulations—

1. Employment, rules, duties &c., of staff—Regulation No. 56: *Gazette* 2nd November, 1922, p. 990; regulation No. 86: *Gazette* 28th March, 1929, p. 652; regulation No. 88: *Gazette* 27th June, 1929, p. 1495; regulation No. 90: *Gazette* 23rd January, 1930, p. 139; regulation No. 105: *Gazette* 7th March, 1935, p. 688; regulation No. 108: *Gazette* 30th May, 1935, p. 1439; regulation No. 123: *Gazette*, 13th March, 1941, p. 370; regulation No. 125: *Gazette* 2nd April, 1942, p. 498; regulation No. 128: *Gazette* 24th December, 1942, p. 1218.
2. Employment on other than railway duties—Regulation No. 120: *Gazette* 9th May, 1940, p. 1054.
3. Locomotive workshop rules—Regulation No. 89: *Gazette* 21st November, 1929, p. 1125.
4. Branches of railway service—Regulation No. 99: *Gazette* 14th January, 1932, p. 32.
5. Classification of officers—Regulation No. 111: *Gazette* 24th September, 1936, p. 643; regulation No. 114: *Gazette* 14th October, 1937, p. 1029; regulation No. 115: *Gazette* 14th October, 1937, p. 1030; regulation No. 119: *Gazette* 28th November, 1940, p. 1211; regulation No. 136: *Gazette* 29th April, 1948, p. 921.
6. Home stations and travelling allowances—Regulation No. 65: *Gazette* 21st August, 1924, p. 469; regulation No. 67: *Gazette* 11th September, 1924, p. 658.
7. Transfers—Regulation No. 66: *Gazette* 11th September, 1924, p. 658.
8. Leave of absence, holidays, sick leave, hours of duty—Regulation No. 68: *Gazette* 20th November, 1924, p. 1338; regulation No. 69: *Gazette* 23rd July, 1925, p. 182; regulation No. 118: *Gazette* 3rd November, 1938, p. 1182; regulation, No. 131: *Gazette* 9th May, 1946, p. 899; regulation No. 134: *Gazette* 21st November, 1946, p. 1322; regulation No. 139: regulation No. 140: *Gazette* 10th May, 1956, p. 929.
9. Injuries, sickness, and medical standards—Regulation: 24th October, 1957, p. 940.
10. Clothing and equipment—Regulation No. 91: *Gazette* 28th August, 1930, p. 410
11. The Railways Institute—Regulation No. 79: *Gazette* 28th July, 1927, p. 218; regulation No. 84: *Gazette* 8th March, 1928, p. 509; regulation No. 101, *Gazette* 25th February, 1932, p. 381.
12. The Railways Service Appeal Board—*Gazette* 11th February, 1904, p. 253; 18th December, 1941, p. 1504.
13. The Railway Officers Classification Board: *Gazette* 19th January, 1939, p. 239; 19th October, 1939, p. 1155; 3rd October, 1940, p. 733.
14. Audit regulations: *Gazette* 16th March, 1944, p. 302; 3rd January, 1946, p. 21,

South-Eastern Drainage Act, 1931-1959.

Commencement: 1st January, 1932; *Gazette* 17th December, 1931, p. 1115.

Administration: Committed to the Minister of Irrigation *Gazette* 17th December, 1931, p. 1115.

s. 105. Notice: *Gazette* 13th July, 1961, p. 60.

Rules of Court as to appeals under section 53 or section 96: *Gazette* 5th May, 1932, p. 779.

Stamp Duties Act, 1923-1960.

- Commencement of sections 4, 5 and 6 of the Stamp Duties Act Amendment Act, 1952; 22nd January, 1953: *Gazette* 22nd January, 1953, p. 72.
- Commencement of the Stamp Duties Act Amendment Act, 1959; 1st February, 1960; *Gazette* 7th January, 1960, p. 1.
- Proclamation under paragraph 23 of Second Schedule declaring 1st February, 1954, as the day on which the 1939-1945 war ceased: *Gazette* 28th January, 1954, p. 155.
- Regulations: *Gazette* 24th July, 1924, p. 169; 8th March, 1951, p. 532; 22nd January, 1953, p. 74; 29th November, 1956, p. 1235; 8th December, 1960, p. 1613.

The Standard Time Act, 1898.

- Commencement: 1st May, 1899; *Gazette* 9th February, 1899, p. 245.

State Bank Act, 1925-1953.

- Commencement: 1st February, 1926; *Gazette* 28th January, 1926, p. 151
- Administration: Committed to the Treasurer *Gazette* 28th January, 1926, p. 151.
- Regulations: *Gazette* 21st November, 1929, p. 1137.

Statutory Salaries and Fees Act, 1947.

- Regulations relating to the Board of Management of the Adelaide Hospital, the Board of Trustees of the Savings Bank of South Australia, the Municipal Tramways Trust, and the Commissioners of Charitable Funds: *Gazette* 30th September, 1948, p. 1170; 2nd December, 1948, p. 1728; 12th February, 1953, p. 198; 14th April, 1955, p. 861; 14th December, 1961, p. 1966.
- Regulation relating to the Fire Brigades Board: *Gazette* 26th January, 1956, p. 130.
- Regulations relating to the South Australian Housing Trust: *Gazette* 19th May, 1949, p. 1420; 6th November, 1958, p. 1255; 22nd March, 1962, p. 602; 17th May, 1962, p. 1296.
- Regulation relating to the Local Government Officers' Classification Board: *Gazette* 9th August, 1951, p. 292.

Steam Boilers and Enginedrivers Act, 1935-1952.

- Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 643.
- Administration: Committed to the Minister of Industry and Employment *Gazette* 25th March, 1937, p. 643.
- Regulations relating to the examination of boilers: *Gazette* 4th August, 1960, p. 297.
- Regulations relating to the Enginedrivers' Board and examinations; *Gazette* 4th August, 1960, p. 301.
- Regulation under the Fees Regulation Act, 1927, varying the fees prescribed in the fifth schedule: *Gazette* 22nd October, 1959, p. 972.

Stock Diseases Act, 1934-1962.

- Commencement of the Stock and Poultry Diseases Act Amendment Act, 1946: 27th February, 1947; *Gazette* 27th February, 1947, p. 743.
- Administration: Committed to the Minister of Agriculture *Gazette* 20th December, 1934, p. 1218.
- s. 5 (1). Proclamations of "disease": *Gazette* 19th January, 1950, p. 101; 18th May, 1950, p. 1036; 26th April, 1951, p. 925; 21st June, 1951, p. 1333; 22nd April, 1954, p. 806; 20th June, 1957, p. 1502; 5th October, 1961, p. 1189; 26th October, 1961, p. 1340.
- s. 5 (1). Notices under definition of "stock": *Gazette* 27th May, 1937, p. 1211; 5th April, 1945, p. 503; 18th December, 1952, p. 1546; 8th January, 1959, p. 3.
- s. 6. Proclamations: *Gazette* 15th December, 1932, p. 1143; 10th December, 1942, p. 1124; 26th August, 1943, p. 230; 22nd April, 1948, p. 823; 18th December, 1952, p. 1544; 20th June, 1957, p. 1502; 8th January, 1959, p. 3; 27th August, 1959, p. 507.

Stock Diseases Act, 1934-1962—continued.

- s. 19. Notice : *Gazette* 20th June, 1957, p. 1505.
- ss. 29 and 30. Notice : *Gazette* 19th December, 1957, p. 1532.
- s. 43aa. Notice : *Gazette* 20th June, 1957, p. 1502.
- s. 48. Proclamation : *Gazette* 5th April, 1945, p. 499.
- Regulations : *Gazette* 6th December, 1962, p. 1603 ; 27th June, 1963, p. 1635.

Stock Foods Act, 1941-1956.

- Commencement : 1st April, 1942 ; *Gazette* 29th January, 1942, p. 143.
- Administration : Committed to the Minister of Agriculture : *Gazette* 29th January, 1942, p. 143.
- Regulations : *Gazette* 29th January, 1942, p. 146 ; 15th July, 1948, p. 294.

Stock Medicines Act, 1939-1956.

- Commencement : 1st July, 1940 ; *Gazette* 21st March, 1940, p. 589.
- Administration : Committed to the Minister of Agriculture *Gazette* 21st March, 1940, p. 589.
- Regulations : *Gazette* 21st March, 1940, p. 592.

Subdivided Land Debts Act, 1932-1934.

- s. 8. Notice : *Gazette* 26th January, 1933, p. 111.
- Regulations : *Gazette* 19th January, 1933, p. 72.

Succession Duties Act, 1929-1959.

- s. 6. Proclamations : *Gazette* 2nd July, 1925, p. 1 ; 16th June, 1932, p. 1067 ; 23rd January, 1936, p. 208 ; 12th November, 1942, p. 985 ; 20th February, 1947, p. 684 ; 5th November, 1953, p. 1163 ; 10th December, 1953, p. 1403.
- s. 55a. Proclamation declaring 1st February, 1954, as the day on which the 1939-1945 war ceased : *Gazette* 28th January, 1954, p. 155.
- Regulations : *Gazette* 20th January, 1949, p. 129 ; 2nd April, 1953, p. 698 ; 19th January, 1956, p. 107.
- Regulation under the Fees Regulation Act, 1927, providing for the fee payable to the Public Trustee on the preparation of a certain succession duty form : *Gazette* 3rd December, 1931, p. 1033.

Superannuation Act, 1926-1961.

- Commencement : 22nd December, 1926 ; *Gazette* 23rd December, 1926, p. 1565.
- Administration : Committed to the Treasurer *Gazette* 23rd December, 1926, p. 1565.
- s. 3. Notice of " appointed day " : *Gazette* 24th February, 1927, p. 400.
- s. 23. Notice : *Gazette* 24th February, 1927, p. 400.
- s. 66a. Notice of arrangement : *Gazette* 6th July, 1950, p. 47.
- s. 66b. Proclamation : *Gazette* 30th November, 1950, p. 1301.
- Regulations : *Gazette* 22nd December, 1926, p. 1566 ; 16th June, 1927, p. 1306 ; 20th December, 1928, p. 1293 ; 10th September, 1931, p. 430 ; 23rd November, 1933, p. 1055 ; 11th July, 1940, p. 72 ; 20th November, 1947, p. 1705 ; 24th March, 1955, p. 749 ; 4th December, 1958, p. 1518 ; 22nd December, 1960, p. 1704 ; 11th January, 1962, p. 53 ; 23rd August, 1962, p. 401.
- Regulations as to superannuation rights of officers transferred from other Governments : *Gazette* 29th May, 1947, p. 1601 ; 9th November, 1950, p. 1146 ; 18th November, 1954, p. 1233 ; 15th March, 1956, p. 517 ; 16th April, 1959, p. 813 ; 23rd August, 1962, p. 401.
- Rules of Court : *Gazette* 12th May, 1932, p. 869.

Supreme Court Act, 1935-1962.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.

s. 52. Proclamations : *Gazette* 21st March, 1878, p. 620 ; 14th July, 1881, p. 92 ; 3rd March, 1892, p. 527 ; 21st January, 1897, p. 92 ; 14th September, 1939, p. 745.

Rules of Court—

Actions and other proceedings in the Court : Supreme Court Rules : *Gazette* 7th May, 1947, p. 1153 ; 28th October, 1948, p. 1350 ; 11th January, 1951, p. 31 ; 17th January, 1952, p. 104 ; 19th June, 1952, p. 1323 ; 7th April, 1955, p. 810 ; 7th March, 1957, p. 502.

The following Rules of Court have operation to the extent set out in the fourth schedule to the Supreme Court Rules : Rules of Court, 1913, dated 10th December, 1913 (not published in the *Gazette*) ; Rules of Court, 1937 : *Gazette* 4th November, 1937, p. 1205.

Administration and probate : *Gazette* 24th November, 1927, p. 1255 ; 11th March, 1937, p. 537 ; 14th October, 1937, p. 1021 ; 2nd June, 1938, p. 1265 ; 22nd June, 1950, p. 1278 ; 24th December, 1952, p. 1621 ; 8th January, 1953, p. 8 ; 23rd May, 1957, p. 1201 ; 17th December, 1959, p. 1521 ; 3rd November, 1960, p. 1221.

Administration of Justice Act, 1922—Procedure : Rules dated 25th October, 1922, Not published in the *Gazette*.

Adoption of Children Act, 1925—Procedure : Rules dated 23rd December, 1926. Not published in the *Gazette*.

Companies Act, 1934 : *Gazette* 8th February, 1940, p. 233. (Rule 147 and the fourth schedule disallowed, *Gazette* 19th September, 1940, p. 570) ; 14th October, 1948, p. 1271.

Compulsory Acquisition of Land Act, 1925—Procedure : *Gazette* 10th May, 1928, p. 968.

Criminal appeals : Dated 1st September, 1925. Not published in the *Gazette*.

Criminal sittings : *Gazette* 4th August, 1932, p. 191 ; 1st December, 1949, p. 1408.

Criminal trials : *Gazette* 15th June, 1944, p. 730.

Dentists Act, 1931—Appeals : *Gazette* 4th August, 1932, p. 183.

Detention of ships : Rules of Court, 1913, Order 53, Rule 17. Not published in the *Gazette*.

Evidence on Commission Act, 1857 (Imp.) : *Gazette* 20th February, 1908, p. 313.

Guardianship of Infants Act, 1887—Procedure : *Gazette* 1st May, 1890, p. 1215.

Harbors Act, 1913—Appeals and other proceedings : *Gazette* 19th April, 1917, p. 639.

Industrial and Provident Societies Act, 1924—Appeals : *Gazette* 2nd October, 1924, p. 830.

Inebriates Act, 1908—Applications : *Gazette* 26th October, 1911, p. 864.

Justices Act, 1921—Appeals : *Gazette* 13th December, 1956, p. 1329.

Law Society Act, 1915—Procedure of Statutory Committee : *Gazette* 9th November, 1916, p. 943.

Legal practitioners—Admission : *Gazette* 14th July, 1955, p. 73 ; 5th July, 1956, p. 4 ; 22nd February, 1962, p. 382.

Legal practitioners—Trust accounts and other matters : *Gazette* 31st August, 1939, p. 573 ; 21st February, 1957, p. 291.

Local Courts Act, 1926—Appeals : *Gazette* 31st March, 1927, p. 745 ; rules dated 6th February, 1928 (not published in the *Gazette*) ; 22nd March, 1934, p. 853 ; 4th November, 1937, p. 1230.

Maintenance Orders (Facilities for Enforcement) Acts, 1922 and 1925 : *Gazette* 16th February, 1928, p. 316.

Matrimonial Causes Act, 1929 : Rules in the second schedule to the Matrimonial Causes Act, 1929. Amendments *Gazette* 5th December, 1935, p. 1349.

Mental Defectives Act, 1913—Applications : *Gazette* 3rd September, 1914, p. 585. [Rules made under the Lunatics Act, 1864, on 3rd September, 1869, and 10th August, 1875, may also be applied in any case where the court or judge so orders.]

Prize Court Rules—

Proclamation as to war with Germany, *Gazette* 7th September, 1939, p. 689.

Proclamation as to war with Italy : *Gazette* 13th June, 1940, p. 1273.

Application of rules to Supreme Court : *Gazette* 28th September, 1939, p. 865.

Supreme Court Act, 1935-1962—continued.

- Probate and letters of administration : see administration and probate.
- Revenue jurisdiction : Schedule to Act, 7, 1867.
- Service and Execution of Process Act, 1901-1934 (Commonwealth) : *Gazette* 19th April, 1917, p. 646 ; 4th November, 1937, p. 1247.
- Settled Estates Act, 1880—Procedure : *Gazette* 5th April, 1883, p. 1174.
- Superannuation Act, 1926—Appeals: Dated 26th August, 1930. Not published in the *Gazette*.
- Testators Family Maintenance Act, 1918—Applications : Dated 27th May, 1922. Not published in the *Gazette*.
- Trustee Act, 1936 : *Gazette* 4th November, 1937, p. 1225 ; 16th December, 1948, p. 1804.
- Workmen's Compensation Act, 1932—Appeals : *Gazette* 4th November, 1937, p. 1229.
- Workmen's Liens Act, 1893—Procedure : *Gazette* 4th April, 1957, p. 653.

Surplus Revenue Act, 1933-1951.

- s. 3b. (1). Commencement : 1st May, 1952 ; *Gazette* 1st May, 1952, p. 961.

Surveyors Act, 1935-1961.

- Commencement : 26th March, 1936 ; *Gazette* 26th March, 1936, p. 689.
- Regulations as to examinations and licensing of surveyors : *Gazette* 12th March, 1953, p. 477.
- Regulations as to surveys, fees, etc. : *Gazette* 16th November, 1939, p. 1367 ; 8th December, 1955, p. 1292 ; 9th May, 1957, p. 885 ; 21st May, 1959, p. 1080 ; 13th October, 1960, p. 1017.
- Regulation under the Fees Regulation Act, 1927, relating to the fee payable for the publication of a list of licensed surveyors : *Gazette* 11th November, 1937, p. 1307.

Swine Compensation Act, 1936-1962.

- Commencement : 1st March, 1937 ; *Gazette* 24th December, 1936, p. 1321.
- Administration : Committed to the Minister of Agriculture *Gazette* 24th December, 1936, p. 1322.
- Regulations : *Gazette* 16th January, 1941, p. 35 ; 9th November, 1944, p. 656 ; 5th June, 1947, p. 1632 ; 26th August, 1948, p. 864 ; 21st February, 1952, p. 403 ; 20th March, 1952, p. 595.

Tatara Drainage Trust Act, 1949.

- Commencement : 3rd April, 1952 ; *Gazette* 3rd April, 1952, p. 717.
- ss. 7 and 8. Proclamations : *Gazette* 3rd April, 1952, p. 717 ; 5th September, 1957, p. 519.

Testator's Family Maintenance Act, 1918-1943.

- Rules of Court were made 27th May, 1922, but have not been published in the *Gazette*.

Textile Products Description Act, 1953.

- Commencement : 1st August, 1954 ; *Gazette* 2nd August, 1954, p. 269.
- Administration : Committed to the Minister of Industry and Employment *Gazette* 2nd August, 1954, p. 269.
- Regulations : 2nd August, 1954, p. 269 ; 17th November, 1955, p. 1116.

Tobacco Industry Protection Act, 1934.

- Administration : Committed to the Minister of Agriculture *Gazette* 28th February, 1935, p. 591.
- Regulations : *Gazette* 28th February, 1935, p. 592 ; 2nd May, 1935, p. 1225.

Town Planning Act, 1929-1957.

Commencement : 15th January, 1930 ; *Gazette* 16th January, 1930, p. 69.

Commencement of Town Planning Act Amendment Act, 1955 ; 1st February, 1956 : *Gazette* 5th January, 1956, p. 1.

Administration : Committed to the Attorney-General *Gazette* 20th February, 1930, p. 369.

s. 12a (1) para. (i)—Application to Salisbury, *Gazette* 28th November, 1957, p. 1277 ; Stirling, *Gazette* 5th December, 1957, p. 1361 ; Tea Tree Gully, *Gazette* 12th December, 1957, p. 1468 ; Mount Gambier, *Gazette* 19th December, 1957, p. 1528 ; Mudla Wirra, *Gazette* 19th December, 1957, p. 1528 ; Onkaparinga, *Gazette* 9th January, 1958, p. 33 ; Munno Para East, *Gazette* 6th February, 1958 ; p. 488 ; Millicent, *Gazette* 6th February, 1958, p. 488 ; Noarlunga, *Gazette* 6th February, 1958, p. 489 ; Encounter Bay, *Gazette* 20th February, 1958, p. 627 ; Mobilong, *Gazette* 6th March, 1958, p. 757 ; Mannum, *Gazette* 6th March, 1958, p. 757 ; Barossa, *Gazette* 13th March, 1958, p. 791 ; Port Elliot, *Gazette* 13th March, 1958, p. 791 ; Angaston, *Gazette* 27th March, 1958, p. 913 ; Meadows, *Gazette* 3rd April, 1958, p. 995 ; Port MacDonnell, *Gazette* 24th April, 1958, p. 1145 ; Penola, *Gazette* 24th April, 1958, p. 1145 ; Lacedpede, *Gazette*, 24th April, 1958, p. 1145 ; Beachport, *Gazette* 8th May, 1958, p. 1225 ; Freeling, *Gazette* 8th May, 1958, p. 1225 ; Lameroo, *Gazette* 8th May, 1958, p. 1225 ; Minlaton, *Gazette* 8th May, 1958, p. 1225 ; Robe, *Gazette* 8th May, 1958, p. 1226 ; East Torrens, *Gazette* 15th May, 1958, p. 1274 ; Port Lincoln, *Gazette* 5th June, 1958, p. 1773 ; Mallala, *Gazette* 5th June, 1958, p. 1773 ; Yankalilla, *Gazette* 24th July, 1958, p. 188 ; Tatiara, *Gazette* 11th September, 1958, p. 81b ; Loxton, *Gazette* 25th September, 1958, p. 923 ; Willunga, *Gazette* 16th October, 1958, p. 1071 ; Tantanoola, *Gazette* 6th November, 1958, p. 1253 ; Clare, *Gazette* 8th January, 1959, p. 3 ; Gumeracha, *Gazette* 8th January, 1959, p. 3 ; Mount Barker, *Gazette*, 30th April, 1959, p. 919 ; Strathalbyn, *Gazette* 7th May, 1959, p. 987 ; Murat Bay, *Gazette* 9th July, 1959, p. 49 ; Kingscote, *Gazette* 12th November, 1959, p. 1152 ; Mallala, *Gazette* 17th December, 1959, p. 1504 ; Meningie, *Gazette* 1st December, 1960, p. 1526 ; Berri, *Gazette* 19th January, 1961, p. 97 ; Tea Tree Gully, *Gazette* 18th May, 1961, p. 1139 ; Paringa, *Gazette* 31st May, 1962, p. 1430 ; Riverton, *Gazette* 28th February, 1963, p. 506 ; Dudley, *Gazette* 7th March, 1963, p. 585.

s. 29 (1). Proclamations : *Gazette* 17th May, 1962, p. 1294 ; 9th August, 1962, p. 270.

s. 29 (2). Proclamations : *Gazette* 10th January, 1957, p. 21 ; 4th April, 1957, p. 649 ; 31st, October, 1957, p. 1008 ; 28th November, 1957, p. 1277 ; 23rd January, 1958, p. 121 ; 15th May, 1958, p. 1273 ; 26th June, 1958, p. 1979 ; 6th November, 1958, p. 1253 ; 3rd September, 1959, p. 564 ; 21st April, 1960, p. 1167 ; 18th May, 1961, p. 1139 ; 29th June, 1961, p. 1454 ; 30th November, 1961, p. 1806 ; 17th May, 1962, p. 1139 ; 31st May, 1962, p. 1431 ; 28th June, 1962, p. 1647 ; 9th August, 1962, p. 270 ; 6th December, 1962, p. 1590 ; 27th June, 1963, p. 1627.

Regulations : *Gazette* 30th May, 1963, p. 1434.

The Travelling Stock Waybills Act, 1911-1960.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd June, 1937, p. 1254.

Trespassing on Land Act, 1951.

Administration : Committed to the Minister of Agriculture *Gazette* 3rd April, 1952, p. 717.

s. 3. Proclamations : *Gazette* 3rd April, 1952, p. 717 ; 15th June, 1961, p. 1325.

Trustee Act, 1936-1953.

Commencement : 1st November, 1937 ; *Gazette* 25th March, 1937, p. 646.

Commencement of Trustee Act Amendment Act, 1941 ; 8th December, 1941 ; *Gazette* 4th December, 1941, p. 1193.

s. 5 (1) (f). Proclamations : *Gazette* 21st June, 1894, p. 1381 ; 8th February, 1900, p. 228 ; 21st February, 1901, p. 367 ; 6th October, 1904, p. 635 ; 7th June, 1906, p. 996 ; 1st June, 1911, p. 1071 ; 21st May, 1914, p. 1105 ; 17th August, 1922, p. 333 ; 7th September, 1922, p. 545 ; 1st March, 1928, p. 453 ; 19th May, 1932, p. 899 ; 27th September, 1951, p. 775 ; 18th December, 1952, p. 1546 ; 2nd June, 1960, p. 1502 ; 7th September, 1961, p. 882 ; 21st September, 1961, p. 1027 ; 28th June, 1962, p. 1647 ; 12th July, 1962, p. 46 ; 2nd August, 1962, p. 230 ; 21st March, 1963, p. 693.

s. 5 (2). Proclamations : *Gazette* 15th May, 1902, p. 1025 ; 17th August, 1922, p. 333 ; 11th October, 1923, p. 834.

Rules of Court : *Gazette* 4th November, 1937, p. 1225 ; 16th December, 1948, p. 1804.

Underground Waters Preservation Act, 1959.

Commencement : At 5th July, 1963, this Act had not been brought into action.

Unemployment Relief Council Act, 1930.

Administration : Committed to the Minister of Industry and Employment *Gazette* 11th May, 1933, p. 789.

Regulations : *Gazette* 9th July, 1931, p. 33 ; 12th November, 1936, p. 1066.

University of Adelaide Act, 1935-1950.

By-laws under section 18a : *Gazette* 24th May, 1951, p. 1125.

Uranium Mining Act, 1949-1954.

s. 4b. Proclamations : *Gazette* 4th June, 1953, p. 1371 ; 9th June, 1955, p. 1324.

Regulations : 30th July, 1953, p. 397 ; 23rd June, 1960, p. 1647.

Vaccination Act, 1936.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 645.

Regulations : *Gazette* 17th May, 1894, p. 1112 ; 29th January, 1903, p. 186 ; 7th August, 1913, p. 301 ; 18th December, 1913, p. 1734.

Venereal Diseases Act, 1947.

Regulations : *Gazette* 10th June, 1948, p. 1206.

Vermin Act, 1931-1962.

s. 12 Proclamations : 18th December, 1952, p. 1545 ; 27th January, 1955, p. 169 ; 22nd March, 1956, p. 568 ; 26th March, 1959, p. 647 ; 22nd March, 1962, p. 598.

s. 20 (3). Notices : *Gazette* 13th December, 1923, p. 1395 ; 15th May, 1924, p. 1112 ; 20th November, 1924, p. 1370 ; 21st May, 1925, p. 974 ; 26th November, 1925, p. 1448 ; 27th May, 1926, p. 1393 ; 19th May, 1927, p. 1131 ; 24th November, 1927, p. 1284 ; 17th May, 1928, p. 1062 ; 15th May, 1930, p. 900 ; 22nd December, 1932, p. 1217 ; 18th May, 1933, p. 827 ; 21st December, 1933, p. 1243 ; 1st February, 1934, p. 196 ; 8th February, 1934, p. 256 ; 9th May, 1935, p. 1288 ; 16th May, 1935, p. 1312 ; 17th September, 1936, p. 604 ; 4th March, 1937, p. 482.

s. 23 (3). Notice : *Gazette* 9th May, 1935, p. 1288.

s. 43 (1). Notice : *Gazette* 9th May, 1935, p. 1288.

Regulations relating to making of loans, &c. : *Gazette* 1st April, 1926, p. 926 ; 27th January, 1927, p. 180.

Veterinary Districts Act, 1940.

Administration : Committed to the Minister of Agriculture ; *Gazette* 10th April, 1941, p. 521.

Regulations : *Gazette* 8th May, 1941, p. 693.

Veterinary Surgeons Act, 1935-1957.

Commencement : 1st February, 1936 ; *Gazette* 16th January, 1936, p. 89.

Commencement of sections 3 to 6 of the Veterinary Surgeons Act Amendment Act, 1952, 1st March, 1953, : *Gazette* 19th February, 1953, p. 272.

Administration : Committed to the Minister of Agriculture *Gazette* 11th February, 1937 ; p. 286.

Regulations : *Gazette* 3rd October, 1940, p. 735 ; 24th August, 1950, p. 466 ; 11th June, 1953, p. 1396 ; 18th December, 1958, p. 1640.

Vine, Fruit, and Vegetable Protection Act, 1885-1959.

ss. 3 and 4. Proclamations: *Gazette* 3rd December, 1885, p. 1407; 25th September, 1891, p. 781; 12th February, 1891, p. 450; 21st June, 1894, p. 1381; 7th March, 1895, p. 605; 12th May, 1898, p. 994; 18th April, 1907, p. 768; 2nd May, 1907, p. 837; 14th August, 1909, p. 365; 2nd February, 1911, p. 196; 11th July, 1912, p. 41; 6th August, 1914, p. 346; 6th August, 1914, p. 346; 31st October, 1918, p. 963; 1st September, 1921, p. 441; 17th March, 1927, p. 625; 15th September, 1927, p. 652; 8th October, 1931, p. 691; 21st April, 1932, p. 695; 22nd December, 1932, p. 1183; 27th July, 1933, p. 141; 3rd August, 1933, p. 197; 20th December, 1934, p. 1219; 7th March, 1935, p. 685; 12th December, 1935, p. 1390; 16th January, 1936, p. 89; 24th December, 1936, p. 1322; 7th April, 1938, p. 791; 15th June, 1939, p. 1418; 1st February, 1940, p. 170; 11th April, 1940, p. 718; 7th November, 1940, p. 970; 20th November, 1941, p. 980; 18th July, 1946, p. 91; 31st January, 1947, p. 583; 11th February, 1947, p. 633; 20th February, 1947, p. 683; 1st April, 1947, p. 938; 13th November, 1947, p. 1446; 15th April, 1948, p. 775; 4th August, 1949, p. 294; 6th July, 1950, p. 3; 21st December, 1950, p. 1853; 10th April, 1952, p. 773; 2nd April, 1953, p. 633; 8th October, 1953, p. 938; 26th November, 1953, p. 1307; 2nd June, 1955, p. 1258; 21st February, 1957, p. 286; 16th May, 1957, p. 925; 28th November, 1957, p. 1357; 19th December, 1957, p. 1530; 15th January, 1959, pp. 66, 67; 19th February, 1959, p. 350; 7th January, 1960, pp. 1, 2; 8th September; 1960, p. 686; 24th November, 1960, p. 1430; 26th January, 1961, p. 147; 27th July, 1961, p. 531; 14th June, 1962, p. 1524; 4th October, 1962, p. 913; 17th January, 1963, p. 81; 17th January, 1963, p. 83; 14th March, 1963, p. 687; 26th April, 1963, p. 1018; 2nd May, 1963, pp. 1081, 1082, 1083; 27th June, 1963, pp. 1629, 1630.

Warehousemen's Liens Act, 1941.

Commencement: 1st May, 1942: *Gazette* 26th March, 1942, p. 454.

Regulations: *Gazette* 26th March, 1942, p. 455.

Rules of Local Court; *Gazette* 26th March, 1942, p. 477.

War Funds Regulation Act, 1916-1935.

Regulations: *Gazette* 16th August, 1917, p. 417.

Water Conservation Act, 1936.

Commencement: 1st June, 1937; *Gazette* 25th March, 1937, p. 644.

s. 6. Proclamations: *Gazette* 20th January, 1927, p. 121; 8th August, 1929, p. 330; 6th February, 1930, p. 226; 23rd October, 1930, p. 834; 13th November, 1930, p. 986.

s. 53. Proclamations: *Gazette* 7th May, 1931, p. 741; 7th May, 1931, p. 742; 25th June, 1931, p. 1045; 25th June, 1931, p. 1050; 25th June, 1931, p. 1051; 2nd July, 1931, p. 1, 2nd July, 1931, p. 2; 16th July, 1931, p. 63; 30th July, 1931, p. 158; 30th July, 1931, p. 161; 21st July, 1932, p. 91; 5th January, 1933, p. 2; 24th August, 1933, p. 353; 16th November, 1933, p. 1003; 7th December, 1933, p. 1127; 7th December, 1933, p. 1128; 14th December, 1933, p. 1167; 25th January, 1934, p. 131; 22nd March, 1934, pp. 844-845; 14th June, 1934, p. 1433; 30th August, 1934, p. 426; 1st November, 1934, p. 886; 17th January, 1935, p. 292; 4th July, 1935, p. 2; 20th February, 1936, p. 442; 16th July, 1936, pp. 65-66; 8th October, 1936, p. 697; 3rd December, 1936, p. 1194; 22nd April, 1937, p. 850; 22nd June, 1939, p. 1457; 6th February, 1941, p. 147; 1st July, 1943, p. 1; 15th November, 1945, p. 699; 4th November, 1948, p. 1421; 5th July, 1951, p. 1.

By-laws and regulations: *Gazette* 2nd April, 1925, p. 583; 28th July, 1927, p. 242; 1st March, 1928, p. 457; 3rd December, 1959, p. 1385.

Waterworks Act, 1932-1962.

s. 94. Proclamations: *Gazette* 1st June, 1922, p. 1393; 20th June, 1922, p. 1576; 29th May, 1924, p. 1208; 21st May, 1925, p. 946; 7th January, 1926, p. 1; 27th May, 1926, p. 1265; 16th December, 1926, p. 1510; 27th January, 1927, p. 177; 1st December, 1927, p. 1457; 10th May, 1928, p. 963; 29th November, 1928, p. 1138; 13th June, 1929, p. 1398; 17th July, 1930, p. 86; 26th February, 1931, p. 374; 10th September, 1936, p. 490; 19th November, 1936, p. 1110; 19th October, 1944, p. 471.

812 Table of Regulations, Rules, Proclamations, Etc.

Waterworks Act, 1932-1962—continued.

- s. 102. Proclamations : *Gazette* 10th September, 1936, p. 490 ; 19th November, 1936, p. 1110.
s. 108. Proclamations : *Gazette* 31st October, 1895, p. 957 ; 17th August, 1939, p. 421.
s. 109. Proclamation : *Gazette* 17th September, 1936, p. 546.
By-laws : *Gazette* 25th May, 1933, p. 897 ; 13th July, 1933, p. 49 ; 27th March, 1941, p. 441 ; 28th April, 1949 p. 1033 ; 17th January, 1952, p. 134 ; 19th August, 1954, p. 414 ; 31st May, 1956, p. 1123 ; 21st January, 1960, p. 195 ; 9th November, 1961, p. 1589 ; 21st June, 1962, p. 1589 ; 28th March, 1963, p. 788 ; 20th June, 1963, p. 1553.

Weeds Act, 1956.

- Commencement : 1st July, 1957 : *Gazette* 20th June, 1957, p. 1501.
Administration : Committed to Minister of Agriculture : *Gazette* 20th June, 1957, p. 1501.
s. 28. Notice : *Gazette* 21st December, 1961, p. 2085.
Regulations : *Gazette* 3rd October, 1957, p. 754 ; 19th December, 1957, p. 1537 ; 17th July, 1958, p. 138 ; 16th April, 1959, p. 812 ; 29th October, 1959, p. 1036 ; 26th May, 1960, p. 1441 ; 11th August, 1960, p. 393 ; 27th July, 1961, p. 535 ; 3rd May, 1962, p. 1150 ; 30th August, 1962, p. 507 ; 18th April, 1963, p. 948.

Weights and Measures Act, 1934-1962.

- Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 643.
s. 8. Proclamations : *Gazette* 15th August, 1946, p. 251 ; 18th December, 1958, p. 1636.
s. 57b. Proclamation : *Gazette* 20th August, 1945, p. 247.
Administration : Committed to the Commissioner of Crown Lands *Gazette* 25th March, 1937, p. 643.
s. 8 (3). Notice : *Gazette* 27th January, 1938, p. 175.
s. 57b. Proclamation : *Gazette*, 13th March, 1941, p. 369.
General regulations : *Gazette* 6th October, 1960, p. 917 ; 8th June, 1961, p. 1287.
Regulations made under the Fees Regulation Act, 1927, relating to the fees payable for the testing of standard weights : *Gazette* 24th November, 1927, p. 1225 ; 12th July, 1928, p. 46.

West Beach Recreation Reserve Act, 1954.

- Administration : Committed to the Minister of Local Government *Gazette* 10th February, 1955, p. 237.
s. 7. Notice : *Gazette* 3rd March, 1955, p. 469.
s. 38. Proclamations : *Gazette* 18th April, 1957, p. 749 ; 28th April, 1960, p. 1217.
By-laws : *Gazette* 4th October, 1956, p. 788 ; 11th June, 1959, p. 1198.

Whaling Act, 1937.

- Commencement : At 5th July, 1963, this Act had not been brought into operation.

Wheat Industry Stabilization Act, 1946.

- Commencement : At 5th July, 1963, this Act had not been brought into operation.

Wheat Industry Stabilization Act, 1958.

- s. 2. The Wheat Industry Stabilization Act, 1958, of the Commonwealth was proclaimed to come into operation on 1st December, 1958 ; *Commonwealth Gazette* 27th November, 1958, p. 4026.

Wheat Stabilization Scheme Ballot Act, 1948.

- s. 2 (10). Notice of affirmative result of ballot : *Gazette* 21st October, 1948, p. 1295.

Wild Dogs Act, 1931-1961.

Administration : Committed to the Commissioner of Crown Lands *Gazette* 1st July, 1937, p. 2.
s. 5. Proclamation : *Gazette* 11th January, 1962, p. 47.
s. 10. Notice : *Gazette* 5th February, 1948, p. 326.

Wills Act, 1936-1940.

Commencement : 1st June, 1937 ; *Gazette* 25th March, 1937, p. 644.

Workmen's Compensation Act, 1932-1961.

Commencement of Workmen's Compensation Act, 1932: 3rd May, 1933 ; *Gazette* 27th April, 1933, p. 657.
Commencement of sections 3 to 9 of the Workmen's Compensation Act Amendment Act, 1940 ; 2nd January, 1941 ; *Gazette* 5th December, 1940, p. 1285.
s. 91. Proclamations : *Gazette* 14th July, 1938, p. 49 ; 19th December, 1940, p. 1551 ; 12th January, 1950, p. 41.
Part IXa. Scheme made by the Treasurer ; *Gazette* 13th June, 1940, p. 1305 ; 19th December, 1940, p. 1557 ; 4th June, 1953, p. 1376 ; 31st March, 1955, p. 793.
General regulations : *Gazette* 23rd March, 1961, p. 691.
Rules of Local Court : *Gazette* 4th May, 1933, p. 723 ; 2nd July, 1942, p. 22 ; 28th October, 1954, p. 1098 ; 11th January, 1962, p. 51 ; 20th September, 1962, p. 725.
Rule of the Supreme Court as to appeals : *Gazette* 4th November, 1937, p. 1229.

The Workmen's Liens Act, 1893-1936.

Commencement : 27th January, 1894 ; *Gazette* 25th January, 1894, p. 173.
Regulations : *Gazette* 1st February, 1895, p. 453.
Rules of the Supreme Court as to procedure : *Gazette* 4th April, 1957, p. 653.

INDEX TO ACTS PASSED IN THE YEAR 1962

INDEX TO ACTS PASSED IN THE YEAR 1962

Aboriginal Affairs Act, 1962 (No. 45, p. 134)

- aboriginal, assistance to for business, etc. 140, s. 22
- blankets, etc., distributed to by Minister, property in. 142, s. 28
- contagious disease of, examination of, 141, s. 25
- death of, notice of to be given by employer, 141, s. 27
- evidence that person is in proceedings, 144, s. 35
- infectious disease of, examination of, 141, s. 25
- interests of in proceedings, may be protected by Director, etc., 144, s. 34
- place of employment of, entry by board, etc., 141, s. 26
- power to remove from reserves, 139, s. 20
- property of, powers of Minister, 142, s. 29
- register of. *See* register of aborigines
- regulations as to, 145, s. 40
- trainee, declaration as, 139, s. 20
- who deemed to be, 135, s. 4
- Aboriginal Affairs Board. *See* board
- Aboriginal Affairs Department. *See* department
- Aboriginal institution, definition of, 134, s. 3. *And see* institution
- Aborigines Act, 1934-1939, repeal of, 134, s. 2
- appeal, from decision not to remove name from register, 138, s. 17
 - regulations as to, 145, s. 40
- arrest, power of police as to, 143, s. 32
- blankets, distributed by Minister, 142, s. 28
- board, annual report by, 137, s. 12
 - composition of, 135, s. 6
 - constitution of, 135, s. 5
 - definition of, 134, s. 3
 - functions of, 137, s. 13
 - meetings of, 137, s. 11
 - obstructing, 143, s. 31
 - Public Service Act not to apply to members of, 135, s. 7
 - quorum of, 137, s. 11
 - regulation as to, 145, s. 40
 - remuneration of, 136, s. 9
 - retirement of members of, 136, s. 8
 - tenure of office of, 135, s. 7
 - validity of acts of, 136, s. 10
- chairman, definition of, 134, s. 3
 - term of office of, 135, s. 7
- commencement, of Act, 134, s. 1
- contagious disease, examination of aboriginal, 141, s. 25
- Crown lands, allotment to aboriginal, 139, s. 21
- department, constitution of, 138, s. 16
 - definition of, 135, s. 3
- Director of Aboriginal Affairs, appointment and duties of, 138, s. 16
- disease, examination of aboriginal, 141, s. 25
- drinking, by aborigines, amendments of Licensing Act as to, 143, s. 30
- employment, aboriginal's place of, entry to board, etc., 141, s. 26
 - death of aboriginal, notice to be given on, 141, s. 27
- evidence, in proceedings, 144, s. 35
- financial provision, 145, s. 38
- infectious disease, examination of aboriginal, 141, s. 25
- institution, control of entry into of aborigines, 139, s. 20
 - miner's right not to authorize entry upon, 141, s. 24
 - regulations as to, 145, s. 40
 - unlawfully entering, 140, s. 23
- Licensing Act, amendments of relating to aborigines, 143, s. 30
- miner's right, not to authorize entry on institution, 141, s. 24
- Minister, assistance by to aboriginal for business, etc., 140, s. 22
 - allotment by of Crown lands to aboriginal, 139, s. 21
 - blankets, etc., distributed by, 142, s. 28

Aboriginal Affairs Act, 1962 (No. 45, p. 134)—continued.

- Minister, definition of, 135, s. 3
 - duties of, 137, s. 15
 - funds to be placed at disposal of, 137, s. 14
 - incorporation of, 138, s. 16
 - powers of as to property, etc., of aboriginal, 142, s. 29
- obstructing, board, etc., 143, s. 41
- offence, penalty for, 144, s. 36
 - summary proceedings for, 144, s. 37
- penalty, for offence, 144, s. 36
- police force, duty to serve summons, etc., on aboriginal, 144, s. 33
 - power to arrest without warrant, 143, s. 32
- proceedings, evidence in, 144, s. 35
 - right of Director or officer of Department to appear in, 144, s. 34
- property, of aboriginal, powers of Minister, 142, s. 29
- register of aborigines, compilation of, 138, s. 17
 - evidence of, 144, s. 35
 - removal from of names of aborigines capable of full responsibilities, 138, s. 17
- regulations, power of Governor to make, 145, s. 40
 - under Aborigines Act, 1934-1939, repeal of, 145, s. 39
- repealing provisions, 134, 145, ss. 2, 39
- report, annual, by board, 137, s. 12
- reserve, declaration of, 139, s. 18
 - definition of, 135, s. 3
 - included in definition of institution, 134, s. 3. *And see* institution superintendent of, 139, s. 19
- superintendent, appointment of for reserve, 139, s. 19
 - definition of, 135, s. 3
- summons, service on aboriginal, 144, s. 33
- trainee, declaration of aboriginals, 139, s. 20
- warrant, duty to execute on aboriginal, 144, s. 33

Banks Statutory Obligations Amendment Act, 1962 (No. 32, p. 85)

- cheque, duty on, exemption from, 88, s. 8
 - duty paid, issue of, 88, s. 7
- cheque accounts, power of Savings Bank of South Australia to operate, 86, s. 3
- current account, moneys deposited in savings bank not deemed to be for purposes of [Succession Duties Act, 86, s. 6
- death, repayment of small deposits in Savings Bank of South Australia, 86, s. 4
- savings bank, definition of, 85, s. 2
- savings bank deposit stock, issue of by Savings Bank of South Australia, 86, s. 5
- Savings Bank of South Australia, cheque accounts by, 86, s. 3
- Savings Bank of South Australia Act, amendments of, 86, ss. 3, 4, 5
- Stamps Duties Act, amendments of, 88, ss. 7, 8
- Succession Duties Act, amendment of, 86, s. 6

Barley Marketing Act Amendment Act, 1962 (No. 46, p. 147)

- barley, application of Act to, 148, s. 6
 - payment for, 148, s. 5
- board, constitution of, 147, s. 3
 - duty to market barley, 148, s. 4

Births and Deaths Registration Act Amendment Act, 1962 (No. 47, p. 149)

- commencement, of Act, 149, s. 2
- fees, amendment of schedule of, 152, s. 8
- legitimated person, definition of, 149, s. 4
 - rights of, 150, s. 6
- legitimation, indorsement of, 150, 151, ss. 6, 7

Bulk Handling of Grain Act Amendment Act, 1962 (No. 7, p. 17)

- guarantee, power of Treasurer to execute to Commonwealth Trading Bank, 17, s. 3

Cattle Compensation Act Amendment Act, 1962 (No. 33, p. 89)

- agent, exemption of from making statement, 90, s. 5
- books, inspection of, 93, s. 7
- disease, declaration of by proclamation, 90, s. 4
 - definition of, 89, s. 3
- inspection, of books, accounts, etc., 93, s. 7
- stamp duty, amount of, 93, s. 6

Civil Aviation (Carriers' Liability) Act, 1962 (No. 11, p. 32)

- application, of Act, 33, s. 5
- commencement, of Act 32, s. 2
- Commonwealth Act, application of certain provisions of, 32, s. 3(2)
 - application of Part IV of, 33, s. 6
 - application of section 42 relating to stowaways, 34, s. 7
 - definition of, 32, s. 3
- Commonwealth regulations, application of, 33, s. 6
 - definition of, 32, s. 3
 - procedure before Parliament upon, 34, s. 8
- Crown, Act to bind, 33, s. 4
- passenger, application of Act to carriage of, 35, s. 5
- regulations, Commonwealth. *See* Commonwealth regulations
- power to make, 34, s. 8
- stowaways, application of Commonwealth Act to, 34, s. 7

Companies Act, 1962 (No. 56, p. 181).

See index on p. 829

Dog Fence Act Amendment Act (No. 48, p. 153)

- dog fence, duty of owner to maintain, 153, s. 3
 - on Crown lease, who deemed to be owner, 154, s. 4
- wild dogs, duty to destroy, 153, s. 3

Education Act Amendment Act, 1962 (No. 22, p. 53)

- leave, provisions as to, 53, 54, ss. 3, 4

Electoral Districts (Redivision) Act, 1962 (No. 34, p. 94)

- Commission, constitution of, 95, s. 3
 - definition of, 94, s. 2
 - matters to be considered by, 97, s. 8
 - procedure of, 95, s. 4
 - redistribution of districts by, 95, 96, ss. 6, 7
 - report by, 97, s. 10
 - representations to, 97, s. 9
 - royal commission, to be, 95, s. 5
- Commissioner, definition of, 94, s. 2
- district, definition of, 94, s. 2
- Electoral Commission. *See* Commission
- electoral district. *See* district
- financial provision, 98, s. 11
- House of Assembly District, redivision of, 95, s. 6
- Legislative Council districts, redivision of, 96, s. 7
- primary production, definition of, 94, s. 2
- redistribution, by Commission, 95, 96, ss. 6, 7
- report, by Commission, 97, s. 10
- Royal Commissions Act, application to Commission, 95, s. 5
- rural areas, definition of, 94, s. 2
 - representation of, 95, s. 6

Electricity (Country Areas) Subsidy Act, 1962 (No. 5, p. 9)

- appropriation, of surplus money in consolidated revenue account, 9, s. 2
- Auditor-General, annual report by, 10, s. 5
- country electricity supplier, definition of, 10, s. 4
 - payment of money to, 9, s. 3
- Electricity Trust, payment of money by to country electricity supplier, 9, s. 3
 - payment of moneys to, 9, ss. 2, 3
- report, annual, by Auditor-General, 10, s. 5

The Electricity Trust of South Australia (Torrens Island Power Station) Act, 1962 (No. 31, p. 81)

- bridge, power of trust to construct, 82, s. 5
- damages, non-liability of trust for, 82, s. 6
- Electricity Trust of South Australia. *See* trust
- land, resumption of, 81, 83, s. 2, first to third scheds.
 - vesting of in trust, 81, 83, s. 3, fourth sched.
- power station, construction of by trust, 81, s. 4
- reserves, resumption of, 81, 83, s. 2, first sched.
- savings, of powers of trust, 82, s. 7
- South Australian Harbors Board, withdrawal of land from, 81, 83, s. 2, second sched.
- trust, bridge may be constructed for, 82, s. 5
 - non-liability for damages, 82, s. 6
 - power station may be constructed by, 81, s. 4
 - saving of powers of, 82, s. 7
 - vesting of land in, 81, 83, s. 3, fourth sched.

Excessive Rents Act, 1962 (No. 55, p. 173)

- application, threats to tenant making, 178, s. 13
- arrangement, to defeat Act, to be void, 178, s. 14
- commencement, of Act, 173, s. 2
- contract, to defeat Act, to be void, 178, s. 14
- contracting out, of Act, to be void, 178, s. 14
- Crown, Act to bind, 175, s. 4
- dwelling-house, definition of, 173, s. 3
- distress for rent, abolition of, 179, s. 16
- domestic service, inclusion in letting agreement, 174, s. 3
- electricity, inclusion in rent of payments for, 174, s. 3
- evidence, of letting, 180, s. 19
- fittings, inclusion in rent of payments for, 174, s. 3
- fuel, inclusion in rent of payments for, 174, s. 3
- furniture, inclusion in letting agreement, 174, s. 3
 - inclusion in rent of payments for use of, 174, s. 3
- gas, inclusion in rent of payments for, 174, s. 3
- holding over, by tenant, 175, s. 3(2)
- Housing Improvement Act, Act not to apply to premises controlled under Part IV of, 175, [s. 5]
- landlord, definition of, 174, s. 3
 - duty to keep records of rent, 178, s. 12
 - restrictions on right to give notice to quit, 178, s. 15
- letting agreement, definition of, 174, s. 3
 - evidence of, 180, s. 19
- local court, application by tenant to fix rent, 175, s. 6
 - definition of, 174, s. 3
 - order of. *see* order
 - powers of as to notices to quit, 178, s. 15
 - power to fix rent, 175, 176, ss. 7, 8
 - rules of court of, power to make, 180, s. 18
- mesne landlord, included in definition of landlord, 174, s. 3. *And see* landlord
- mesne tenant, included in definition of tenant, 174, s. 3. *And see* tenant
- notice to quit, restriction on right of landlord to give, 178, s. 15
- offence, summary proceedings for, 180, s. 20
- order, duration of, 176, s. 7(4)
 - effect of, 177, s. 9
- premises to which this Act applies, definition of, 174, s. 3
- rates, definition of, 174, s. 3
 - inclusion in rent, 174, s. 3
- receipt, for rent, duty to give, 177, s. 11
- records, of rent, duty to keep, 178, s. 12

Excessive Rents Act, 1962 (No. 55, p. 173)—continued.

- regulations, power of Governor to make, 180, s. 17
- rent, basis of fixing by local court, 176, s. 8
 - definition of, 174, s. 3
 - distress for, abolition of, 179, s. 16
 - duty to give receipt for, 177, s. 11
 - irrecoverable, demanding, 177, s. 10
 - in excess of that fixed by court, to be, 177, s. 9
 - power of local court to fix, 175, 176, ss. 6-8
 - records of to be kept, 178, s. 12
- rules of court, power to make under Local Courts Act, 180, s. 18
- sub-landlord, included in definition of landlord, 173, s. 4. *And see* landlord
- sub-tenant, included in definition of tenant, 173, s. 3. *And see* tenant
- tax, definition of, 174, s. 4
 - inclusion in rent, 173, s. 4
- tenant, application by to local court to fix rent, 175, s. 6
 - definition of, 173, s. 4
 - dissuading from making application by threats, etc., 178, s. 13
- threat, to tenant, to prevent making application, 178, s. 13
- water, inclusion in rent of payments for, 174, s. 3

Explosives Act Amendment Act, 1962 (No. 23, p. 55)

- regulations, extension of power to make, 55, s. 3

Fisheries Act Amendment Act, 1962 (No. 35, p. 99)

- boat, registration of, 100, s. 7
- carp, European. *See* noxious fish
- employee's licence, term of, 100, s. 6
- fish, hatching, etc., 101, s. 8
 - unlawfully taking, 101, s. 8
- fisherman's licence, conditions of, 100, s. 5
- fishermen, regulations as to rights of, 102, s. 10
- licence, employee's, 100, s. 6
 - fisherman's, 100, s. 5
- noxious fish, declaration of, 100, s. 4
 - definition of, 99, s. 3
 - regulations as to, 102, s. 10
- offence, penalty for, 101, s. 9
- registration, of boats, 100, s. 7
- regulations, power to make, 102, s. 10

Food and Drugs Act Amendment Act, 1962 (No. 12, p. 36)

- regulations, as to inspection and analysis of drugs, 36, s. 3

Harbors Act Amendment Act, 1962 (No. 36, p. 103)

- land transactions, with Commonwealth, 103, s. 3

Hire-purchase Agreements Act Amendment Act, 1962 (No. 37, p. 105)

- bill of sale, not registrable, not to be enforceable, 105, s. 3
- money-lender, special provisions as to, 106, s. 3
- payment, in excess of that properly due, penalty for, 106, s. 3

Homes Act Amendment Act, 1962 (No. 24, p. 57)

- guarantee, extension of term of loan subject to, 57, s. 3

Hospitals Act Amendment Act, 1962 (No. 13, p. 37)

- regulations, as to public hospital without board of management, 37, s. 3

Housing Loans Redemption Fund Act, 1962 (No. 25, p. 59)

- approved authority, approval of, 64, s. 11
- definition of, 59, s. 3
- borrower, application to become contributor, 61, ss. 5, 6
- definition of, 59, s. 3
- commencement, of Act, 59, s. 2
- contribution, rate of, 65, sched.
- contributor, application to become, 61, s. 5
 - borrower on second mortgage may become, 64, s. 10
 - contributions by, 61, 65, s. 7, sched.
 - death of, liability of fund upon, 62, s. 8
 - definition of, 59, s. 3
 - joint, 61, s. 6
- dependant, definition of, 60, s. 3
- fund, advance of £50,000 to, 60, s. 4
 - constitution of, 60, s. 4
 - definition of, 60, s. 3
 - liability of on death of contributor, 66, s. 8
- Housing Loans Redemption Fund. *See* fund
- nominated contributor, definition of, 60 s. 3
- purchaser, when deemed to be borrower, 60, s. 3
- regulations, power to make, 64, s. 12
- second mortgage, provision as to contributor for, 64, s. 10

Impounding Act Amendment Act, 1962 (No. 26, p. 66)

- bull, at large, penalty for, 67, s. 6
- cattle, impounded, power to drive to pound, 66, s. 4
- damage, by trespass by cattle, rates for, 70, s. 8
- fees, 67, s. 8
- impounding, fees for, 67, s. 8
 - notice of, 67, s. 5
- notice, of impounding, 67, s. 5
- owner, power to impound cattle trespassing on his land, 66, s. 3
- pound, power to drive cattle to, 66, s. 4
- poundage, fees, 68, s. 8
- ram, at large, penalty for, 67, s. 6
- stallion, at large, penalty for, 67, s. 6
- straying cattle, liability of owner, 67, s. 7
- sustenance, charges, 69, s. 8

Institute of Medical and Veterinary Science Act Amendment Act, 1962 (No. 14, p. 33)

- University, arrangements with, 38, s. 3

Loans to Producers Act Amendment Act, 1962 (No. 27, p. 71)

- bank, indemnity to by Treasurer, 72, s. 6
 - power to borrow with Treasurer's guarantee, 71, ss. 3, 4
- interest, fixing of rate of, 72, s. 5

Local Courts Act Amendment Act, 1962 (No. 15, p. 39)

- commencement, of Act, 39, s. 3
- execution, suspension of, 40, s. 6
- local court of limited jurisdiction, constitution of, 39, s. 4
 - jurisdiction of, 39, 40, ss. 5, 6
- operation, of Act, 40, s. 7
- Supreme Court, removal to of judgment of local court, 40, s. 6

Marine Act Amendment Act, 1962 (No. 57, p. 534)

- assessor, at marine inquiry, 537 ss. 9-13
- certificate of competency, cancellation or suspension of, 535, s. 6
- collision regulations, application of, 536, s. 7
 - enactment of, 538, s. 15

Marine Act Amendment Act, 1962 (No. 57, p. 534)—*continued*.

- court of marine inquiry, assessors at, 537, ss. 9-13
- Navigation Act, application of, 538, s. 14
- officers, certificates of competency of, cancellation or suspension of, 535, s. 6
 - regulations as to, 534, s. 3
 - to be carried on ships, 535, ss. 4, 5
- regulations, collision. *See* collision regulations
 - power to make, 534, s. 3
- ship, officers on, 535 ss. 4, 5
 - stability information to be supplied, 536, s. 8
 - stability of, regulations as to, 534, s. 3
- stability, information as to, to be supplied, 536, s. 8
 - regulations as to, 534, s. 3

Mental Health Act Amendment Act, 1962 (No. 28, p. 73)

- admission, informal, 74, s. 7
- arrangement, of Act, 73, s. 3
- licensed premises, reception into, 74, s. 8
- Public Trustee, powers of as to patients' estates, 73, s. 5
- trial leave, power of superintendent of institution as to, 73, s. 4
- voluntary boarders, repeal of provisions as to, 74, ss. 6, 7

Mental Health Act Amendment Act (No. 2), 1962 (No. 29, p. 76)

- Director of Mental Health, appointment of, 76, 77, ss. 3, 4

Metropolitan and Export Abattoirs Act Amendment Act, 1962 (No. 10, p. 30)

- licence, to slaughter elsewhere than at abattoirs of board, 30, s. 3
- stock, restriction on sale of, 31, s. 4

Metropolitan Drainage Works (Investigation) Act, 1962 (No. 16, p. 41)

- committee, definition of, 41, s. 2
 - inquiry and report by, 42, s. 4
 - reference to of proposed drainage works, 42, s. 3
- councils, definitions of, 41, s. 2
- proposed drainage works, definition of, 41, s. 2
 - inquiry into by committee, 42, ss. 3, 4
- Public Standing Committee on Public Works. *See* committee
- saving provision, 42, s. 5

Mines and Works Inspection Act Amendment Act, 1962 (No. 21, p. 52)

- works, extension of definition of to include wharves at Port Pirie smelting works, 52 s. 3

Mining Act Amendment Act, 1962 (No. 30, p. 78)

- land, private, entry on, 79, s. 8
- mineral lease, conditions of, 79, s. 6
- mining, unauthorized, 80, s. 9
- precious stones claim, registration of, 79, s. 5
- private land, entry on, 79, s. 8
- royalty, basis of, 78, s. 3
 - flat rate for, 78, s. 4

Motor Vehicles Act Amendment Act, 1962 (No. 17, p. 43)

- instructor's licence, exemption of police from duty to have, 44, s. 5
- insurer, liability of where insured dead, 44, s. 6
- registration label, defence to charge for driving motor vehicle without, 44, s. 4
- registration of motor vehicle, duration of, 43, s. 3

Motor Vehicles Act Amendment Act (No. 2), 1962 (No. 49, p. 155)

- approved insurer, in liquidation, appointment of nominal defendant upon, 155, s. 4
- nominal defendant, payment of liabilities of, 158, ss. 5, 6
 - where insurer in liquidation, 155, s. 4
- tractor, exemption from registration, 155, s. 3

Oriental Fruit Moth Control Act, 1962 (No. 8, p. 19)

- commencement, of Act, 19, s. 2
- committee, constitution of, 20, s. 7
 - contributions to, 23, s. 10
 - definition of, 19, s. 3
 - dissolution of, 21, s. 8
 - obstruction of, 23, s. 11
 - poll for constitution of, 20, ss. 6, 7
 - poll for dissolution of, 21, s. 8
 - powers of, 21, s. 9
 - protection of, 23, s. 13
 - validity of acts of, 23, s. 12
- contributions, to committee, 23, s. 10
- district, declaration and variation of, 20, s. 4
 - definition of, 19, s. 3
- fruit moth. *See* Oriental fruit moth
- host tree, definition of, 19, s. 3
- moth. *See* Oriental fruit moth
- obstruction, of committee, 23, s. 11
- offence, penalty for, 24, s. 14
 - summary proceedings for, 24, s. 15
- orchard, definition of, 19, s. 3
 - registration of, 20, s. 5
- Oriental fruit moth, definition of, 19, s. 3
 - measures for control and eradication of, 21, s. 9
- Oriental Fruit Moth Committee. *See* committee
- penalty, for offence, 24, s. 14
- plant, definition of, 20, s. 3
- poll for constitution of committee, 20, ss. 6, 7
 - for dissolution of committee, 21, s. 8
- regulations, power of Governor to make, 24, s. 16
- shrub, definition of, 20, s. 3
- tree, definition of, 20, s. 3
 - host. *See* host tree
- vine, definition of, 20, s. 3

Parliamentary Superannuation Act Amendment Act, 1962 (No. 33, p. 108)

- operation, of Act, 109, s. 6
- pension, rate of, 108, s. 3
 - refund of to widow, 109, s. 4
- pensioner, dying without widow, 109, s. 5

The Poppy Day Trust Deed Act, 1962 (No. 50, p. 159)

- trust deed, variations of, 161, 163, ss. 3, 4

Prices Act Amendment Act, 1962 (No. 39, p. 111)

- Prices Act, extension of duration of, 111, s. 3

Public Purposes Loan Act, 1962 (No. 6, p. 11)

- commencement, of Act, 14, s. 13
- Commonwealth Aid Roads Grant, power to expend, 14, s. 12
- duration, of Act, 14, s. 11
- financial agreement, definition of, 11, s. 2
- flotation expenses, power to borrow for, 13, s. 7
- loan fund, constitution of, 11, s. 3
 - definition of, 11, s. 2
 - issue from, of various amounts, 12, s. 5
- loan works, temporary borrowing for, 13, s. 8
- overdraft, power to borrow on, 13, s. 10
- schedules, 15, 16
- Treasurer, flotation expenses may be borrowed by, 13, s. 7
 - power to borrow £27,000,000, 12, s. 4
 - power to borrow £10,000,000 for 1963-1964, 13, s. 9
 - power to borrow £1,150,000, 12, s. 6
 - power to borrow on overdraft or against Treasury bills, 13, s. 10
 - temporary borrowing by for loan works, 13, s. 8
- Treasury bills, power to borrow against, 13, s. 10

Red Scale Control Act, 1962 (No. 40, p. 112)

- commencement, of Act, 112, s. 2
- committee, appointment of, 113, s. 7
 - constitution of, 113, s. 6
 - contributions to, 116, s. 10
 - definition of, 112, s. 3
 - dissolution of, 114, s. 8
 - obstruction of, 116, s. 11
 - poll for constitution of, 113, ss. 6, 7
 - poll for dissolution of, 114, s. 8
 - powers of, 114, s. 9
 - protection of, 116, s. 13
 - validity of acts of, 116, s. 12
- contributions, to committee, 116, s. 10
- districts, declaration of, 113, s. 4
 - definition of, 112, s. 3
- host tree, definition of, 112, s. 3
- land, entry on by committee, 114, s. 9
- obstruction, of committee, 116, s. 11
- offence, penalty for, 117, s. 14
 - summary proceedings for, 117, s. 15
- orchard, definition of, 112, s. 3
 - registration of, 113 s. 5
- penalty, for offence, 117, s. 14
- poll, for constitution of committee, 113, ss. 6, 7
 - for dissolution of committee, 114, s. 8
- red scale, definition of, 112, s. 3
 - eradication of by committee, 114, s. 9
- Red Scale Committee. *See* committee
- registration, of orchards, 113, s. 5
- regulations, power of Governor to make, 117, s. 16
- scale, red. *See* red scale
- tree, definition of, 113, s. 3
- host. *See* host tree

Registration of Deeds Act Amendment Act, 1962 (No. 18, p. 45)

- memorial, contents of, 45, s. 4
- name, change of, deposit of deed poll, etc., 46, s. 5
- new trustees, registration of memorandum of, 45, s. 3

Sale of Human Blood Act, 1962 (No. 19, p. 47)

- advertisement, as to sale of human blood, 48, s. 3
- human blood, advertisement as to sale or taking of, 48, s. 3
 - selling of prohibited, 48, s. 4
 - unauthorized buying prohibited, 47, s. 2
- offence, proceedings for, 48, s. 5
- permit, to buy or take human blood, 47, s. 2
- sale, of human blood, 48, 49, ss. 2, 3, 4

San José Scale Control Act, 1962 (No. 41, p. 118)

- commencement, of Act, 118, s. 2
- committee, contributions to, 122, s. 10
 - constitution of, 119, ss. 6, 7
 - definition of, 118, s. 3
 - dissolution of, 120, s. 8
 - obstruction of, 122, s. 11
 - poll for constitution of, 119, ss. 6, 7
 - poll for dissolution of, 120, s. 8
 - powers of, 120, s. 9
 - protection of, 122, s. 13
 - validity of acts of, 122, s. 12
- contributions, to committee, 122, s. 10
- district, declaration of, 119, s. 4
 - definition of, 118, s. 3
- host tree, definition of, 118, s. 3

San José Scale Control Act, 1962 (No. 41, p. 118)—*continued*.

- obstruction, of committee, 122, s. 11
- offence, penalty for, 123, s. 14
 - summary proceedings for, 123, s. 14
- orchard, definition of, 118, s. 3
 - registration of, 119, s. 5
- penalty, for offence, 123, s. 14
- poll, for constitution of committee, 119, ss. 6, 7
 - for dissolution of committee, 120, s. 8
- registration, of orchard, 119, s. 5
- regulations, power of Governor to make, 123, s. 15
- San José scale, definition of, 118, s. 3
 - eradication of, 120, s. 9
- San José Scale Committee. *See* committee scale, San José. *See* San José scale
- tree, definition of, 119, s. 3
 - host. *See* host tree

Sewerage Act Amendment Act, 1962 (No. 51, p. 164)

- Minister, power to take land compulsorily, 164, s. 3
- paving, in streets, duty to give notice before commencing, 165, s. 5
- regulations, as to manholes, etc. 165, s. 4

Stock Diseases Act Amendment Act, 1962 (No. 42, p. 124)

- animal product, definition of, 124, s. 3
- evidence, of disease in stock, 125, s. 6
- footrot, regulations as to, 125, s. 4
- regulations, as to footrot, 125, s. 4

Supreme Court Act Amendment Act, 1962 (No. 52, p. 167)

- deputy master, power to appoint not more than two, 167, s. 3

Swine Compensation Act Amendment Act, 1962 (No. 43, p. 126)

- agent, permit as to payment of duty, 127, s. 5
- compensation, stamp duty payable before entitlement to, 126, s. 3
- duty, amount of, 129, s. 6
 - inspection of books as to, 130, s. 7
 - payment of before entitlement to compensation, 126, s. 3
 - permit for agent to make special provision for payment of, 127, s. 5
- inspection, of books, 130, s. 7
- research, into swine diseases, power to apply funds for, 127, s. 4
- swine diseases, research into, 127, s. 4
- swine stamp duty. *See* duty

Unclaimed Moneys Act Amendment Act, 1962 (No. 20, p. 50)

- Treasurer, payment of moneys by to claimant, 51, ss. 5, 6
 - unclaimed moneys may be paid to by person, not a company, 50, s. 4
 - unclaimed moneys to be paid to by company, 50, s. 3
 - unclaimed moneys, payment of to Treasurer, 50, ss. 3, 4

Vermin Act Amendment Act, 1962 (No. 44, p. 131)

- cage, exemption of rabbits in, 131, s. 3
- fence, disposal of where no longer required, 132, s. 4
- rabbits, in cages, exemption of, 131, s. 3
- travelling stock reserve, restriction of duty to destroy vermin on, 131, s. 3

Waterworks Act Amendment Act, 1962 (No. 53, p. 168)

- by-laws, as to works in roadways, 168, s. 3
- paving, of streets, duty to give notice before commencing, 169, s. 4

Weights and Measures Act Amendment Act, 1962 (No. 54, p. 171)

- Commonwealth standards, use of, 171, s. 3

INDEX TO COMPANIES ACT, 1962

INDEX TO COMPANIES ACT, 1962

Abbreviations, of names of companies, s. 22

Abroad, official seal for use, s. 35 (5)

Accountant

arrangement or compromise, report on, may be required by members from, s. 181 (7)

"expert", inclusion in definition, s. 5 (1)

right to register as auditor, s. 9 (7)

Accounts, Pt. VI, Div. 1, ss. 161-164, 9 Sch.—*see also* **Auditors** ; **Balance Sheet**

accounting principles, change in, s. 162 (7)

application of provisions to life assurance companies, ss. 162 (15), 164 (4)

audit of—*see* **Audit** ; **Auditors**

Australian currency, amounts to be shown in, 9 Sch. 5

bad debts, writing off, s. 162 (7)

balance sheet—*see* **Balance Sheet**

books of account—*see also* proper books of account *below*, and **Books**

form of, s. 369

inspection of,

auditor for director, by, s. 161 (5)

directors, by, s. 161 (3)

kept, to be in English language, and in manner enabling convenient and proper audit,

registered office, to be kept at, s. 161 (3)

[s. 161 (1)]

time to be retained, s. 161 (2)

charitable company, dispensation from publication by, s. 24 (4)

Commonwealth law, provisions of

banking companies, s. 162 (11)

life assurance companies, ss. 162 (15), 164 (4)

currency, if not Australian, 9 Sch. 5

defunct company, Registrar's duties in respect of, s. 313

directors,

duties, ss. 161, 162, Table A cl. 97, Table B cl. 80

balance sheet, preparation and laying before general meeting, s. 162 (3)

keeping proper accounts, s. 161

penalty for non-compliance, s. 163

profit and loss account—*see* profit and loss account *below*

statement accompanying accounts, s. 162 (12)

inspection, right of, s. 161 (3)-(5)

English language, to be kept in the, s. 161 (1)

foreign company—*see* **Foreign Company**

holding company

annexure of balance sheet of subsidiaries and consolidated balance sheet, 9 Sch. 4

[(3) (a), (b)]

annexure of profit and loss account of subsidiary and consolidation, 9 Sch. 4 (1) (a), (b)

auditor's report, 9 Sch. 4 (4)

inspection, directors' right of, s. 161 (3)

auditor on behalf of directors, court order for, s. 161 (5)

investment companies, special requirements in respect of, s. 341

keeping by company and directors and managers, s. 161 (1)

records kept outside State, s. 161 (4)

retention, s. 161 (2)

life assurance companies

exclusion from provisions of ss. 162 and 164, ss. 162 (15), 164 (4)

requirement to lodge copies of documents with Registrar, s. 162 (15)

liquidator's—*see* **Liquidators**

members' entitlement to, s. 164 (1)

non-compliance with requirements of Act, liability for

company and officers, s. 161 (6)

directors, s. 163

Accounts—continued

official manager, duty of—see **Official Management**

omission of usual items, s. 162 (7) (f)

options for unissued shares, directors' report in respect of, s. 162 (8), (9)

qualification where option conferred generally upon classes of shareholders or
profit and loss account [debenture holders, s. 162 (10)]

defined, s. 5 (1)

aim to give true and fair view of affairs of company, s. 162 (11)

annual return, to be lodged with, 8 Sch.

attachments

directors' report, s. 162 (5)-(7)

holding company, in case of, 9 Sch. 4 (3) (a), (b)

reserves, existence and use of, s. 162 (14)

statutory declaration by secretary, s. 162 (13)

auditors' remuneration to be included, 9 Sch. 1 (m)

auditors' report

copy to be sent out or supplied, s. 164 (1), (2)

matters to be stated in, s. 164 (1), (2)

to be attached, s. 167 (4)

banking companies, s. 162 (11)

consolidated, of holding and subsidiary companies, 9 Sch. 4 (1), (2)

contents

amortization of investments, goodwill and fixed assets, 9 Sch. 1 (d)

assets, sale or revaluation of, profit or loss from, 9 Sch. 1 (f)

auditors' remuneration, 9 Sch. 1 (m)

Australian currency, all amounts to be quoted in, 9 Sch. 5

depreciation of investments, goodwill and fixed assets, 9 Sch. 1 (d)

directors' remuneration, 9 Sch. 1 (l)

dividends paid and proposed, 9 Sch. 1 (k)

holding company, profit and loss account of subsidiaries and consolidated
[account to be annexed, 9 Sch. 4]

income tax provisions, 9 Sch. 1 (j)

interest on debentures and fixed term loans, 9 Sch. 1 (e)

investments

amortization and depreciation, 9 Sch. 1 (d)

income from, 9 Sch. 1 (c)

listing of companies, 9 Sch. 1 (c)

subsidiaries, investments in, 9 Sch. 1 (b)

net trading profit or loss, 9 Sch. 1 (a)

redemption of share capital and loans, reserves for, 9 Sch. 1 (i)

reserves

redemption of share capital and loans, for, 9 Sch. 1 (i)

transfers to and from, 9 Sch. 1 (g)

provisions other than for assets depreciation, renewal or diminu-
[tion in value, 9 Sch. 1 (h)]

revaluation, profit from, 9 Sch. 1 (f)

sale of assets, profit from, 9 Sch. 1 (f)

trading profit and loss, net, 9 Sch. 1 (a)

copy to be sent or supplied to members and debenture holders, s. 164 (1), (2)

default in supply, s. 164 (3)

debenture holders, entitlement to, s. 164 (2)

directors

duties regarding, ss. 162 (3), 164 (2)

preparation and laying before general meeting, s. 162 (1)

report to be attached, ss. 162 (15), 164 (4)

statement to accompany, s. 162 (12)

disclosures required, s. 162 (11)

general meeting, to be laid before, ss. 162 (1), 164 (1)

investment companies, special requirements in respect of, s. 341 (3)

managers, duty regarding, s. 161 (1)

members, entitlement to, s. 164 (1)

period covered by, s. 162 (1)

records to be kept to enable preparation, s. 161 (1), (4)

secretary, verification by, s. 162 (13)

time for laying before general meeting, s. 162 (1), (2)

extension, s. 162 (2)

proper books of account

liability where not kept, s. 303

disqualification of person convicted from acting in management of company,
[s. 122 (1) (c)]

Accounts—continued

- prospectus, particulars to be stated in, 5 Sch. 20
- receivers and managers, of, s. 195
- records
 - manner of keeping, ss. 161 (1), 369
 - period of retention, s. 161 (2)
 - place of keeping, s. 161 (3), (4)
 - what must be kept, s. 161 (1)
- repealed Act, kept under, savings as to, s. 4
- report, signed, of directors, s. 162 (5)-(9)
 - contents, s. 162 (6)-(9)
 - abnormal items, effect of s. 162 (6)
 - accounting changes, s. 162 (7) (a)
 - dividends paid, declared or recommended, s. 162 (6) (b)
 - options for unissued shares, s. 162 (8), (9)
 - reserves, amounts proposed to be carried to, s. 162 (6) (c)
 - trading stock valuation, substantial change in, s. 162 (7) (d)
 - transfers to and from reserves, s. 162 (7) (b)
 - unusual items, s. 162 (7) (e)
 - value of current assets overvalued in accounts, s. 162 (6) (d)
 - writing off bad debts, s. 167 (7)
- reserves—*see* **Reserves**
- retention, period of, s. 162 (2)
- secretary to verify correctness, s. 162 (13)
- statement of directors to accompany, s. 162 (12)—*and see* report *above*
- statements of account, name of company to appear on, s. 113 (1)
 - liability of officers for failure, s. 113 (2)
- statutory declaration by secretary to accompany accounts, s. 162 (13)
- subsidiary company, 9 Sch. 4—*see also* holding company *above*
 - auditors' report, qualification in, statement of particulars, 9 Sch. 4 (6)
 - foreign, accounts required, 9 Sch. 4 (5)

Accrued Rights, under repealed Acts, s. 4 (3)

Actions—*see* **Legal Proceedings**

Acts Interpretation Act

- saving of, s. 4 (8)

Adjournment—*see* **Meetings of Members**

Administration of Act

- moneys for, s. 394

Administrators—*see* **Executors and Administrators**

Advertisement

- director, of person as, restrictions on, s. 115
- false and misleading statement in, liability for, s. 375 (1)
- implied power of company to advertise, 3 Sch. 17
- meeting of debenture holders, summoning, s. 74 (3) (c)
- notice of closing of register of members, s. 153 (1)
- offering shares or debentures, when deemed prospectus, s. 40

Agent—*see also* **Officer**

- delivery of property to liquidator, court may require, s. 245
- execution of deeds by, s. 35 (3)
 - duration of authority, s. 35 (4)
- foreign company, for—*see* **Foreign Company**
- inspection and special investigation provisions, in relation to
 - agent defined*, ss. 168 (2), 172 (1)
 - inspector, duty to produce books and documents to, s. 171 (3)
 - investigation, refusal to produce books or answer questions in, s. 171 (5)

Agreement, binding classes of members, copy to be registered, s. 146

Allotment—*and see* **Minimum Subscription**

- before commencement of Companies Act, 1934, for other than cash, s. 54 (8)
- commencement of business, restriction on, s. 52 (1) (b)
- debentures, time for issue after allotment, s. 99 (1)
 - default in compliance, s. 99 (2), (3)
- minimum subscription, necessity for, s. 48 (1)—*and see* **Minimum Subscription**
- money paid before allotment, trust of, s. 49 (1)

Allotment and see Minimum Subscription—continued

- preference shares, of, not unless certain rights set out in memorandum or articles, s. 66 (1)
- liability for default, s. 66 (2)
- prospectus to contain statement of non-allotment of shares and debentures on its basis after [six months, s. 39 (1) (f)]
- restrictions where no prospectus on formation of company, s. 50
- return as to allotment of shares, s. 54
 - contents, s. 54 (1), (2)
 - contract in writing, allotment pursuant to, s. 54 (3), (4)
 - default, penalty for, s. 54
 - non-cash allotment
 - contract in writing, pursuant to, s. 54 (3)
 - memorandum or articles, pursuant to provision in, s. 54 (5) (b)
 - oral contract, pursuant to, s. 54 (5) (a)
 - return (contents of), s. 54 (1), (2) (b) (ii), (3), (5)
 - shares issued to subscribers without formal allotment, s. 54
 - stamp duty, s. 54 (6) (N.S.W. Act)
- share certificates, time for issuing after allotment, s. 99 (1)
 - default in compliance, s. 99 (2), (3)
- statement in lieu of prospectus
 - circumstances in which necessary, s. 50
 - requirements as to, s. 51
- stock exchange listing application, where prospectus indicates, s. 44
 - allotment void if permission not applied for or granted, s. 44 (1)
 - condition contracting out of section void, s. 44 (5)
 - directors, liability of, s. 44 (2), (4)
 - duty to repay where permission not granted, s. 44 (2)
 - exemption from operation of section, grant by Minister, s. 44 (3)
 - forbidden statements in relation to stock exchange listing, s. 44 (9)
 - permission to list subject to compliance with requirements, s. 44 (9)
 - prospectus containing statement that memorandum and articles comply with stock [exchange requirements, s. 44 (10)]
 - prospectus offering shares for sale, application of section to, s. 44 (6)
 - time for application for and grant of permission, s. 44 (1)

Alteration—see also Change

- articles, of—see **Articles of Association**
- capital, of—see **Capital**
- memorandum, of—see **Memorandum**
- proprietary to public company, s. 26 (2)
- public to proprietary company, s. 26 (1)
- register of members
 - contents, s. 151
 - place of keeping, s. 152 (1)

Amalgamation—see Arrangements and Reconstructions**Annual General Meeting—see Meetings of Members****Annual Leave**

- priority of payment of amounts due for receiver, by, s. 196
- winding up, in, s. 292 (1) (d), (3)

Annual Return, ss. 158-160

- defined, s. 5 (1)
- charitable companies, dispensation from lodging, s. 24 (4)
- company having share capital, by, s. 158, 8 Sch.
- balance sheet, certified true copy to be lodged, 8 Sch. II
- branch register, inclusion of entries in, s. 158 (3), 8 Sch. I, 7
- certificate of director or secretary to be lodged with, 8 Sch. II
- contents, s. 158 (1), 8 Sch. I
 - address of registered office, 8 Sch. I, 1
 - address of register of members, 8 Sch. I, 2
 - auditor, name and address of, 8 Sch. I, 9
 - branch register, entries in, 8 Sch. I, 7
 - directors, particulars in respect of, 8 Sch. I, 8
 - indebtedness in respect of registered charges, 8 Sch. I, 4
 - manager, particulars in respect of, 8 Sch. I, 8
 - members and number of shares held, list of, 8 Sch. I, 5
 - exemption of certain companies, s. 160
 - no-liability company, particulars required from, 8 Sch. I, 10

Annual Return—continued**company having share capital—continued****contents—continued**

- secretary, particulars in respect of, 8 Sch. I, 8
 - shares, summary specifying, 8 Sch. I, 3
 - amount called up, 8 Sch. I, 3 (c)
 - calls, 8 Sch. I, 3 (d)
 - commission in respect of, 8 Sch. I, 3 (g)
 - capital, 8 Sch. I, 3 (a)
 - discount, 8 Sch. I, 3 (h)
 - forfeited, 8 Sch. I, 3 (j)
 - number, 8 Sch. I, 3 (a)
 - paid up other than in cash, 8 Sch. I, 3 (e)
 - taken up, 8 Sch. I, 3 (b)
 - unpaid, 8 Sch. I, 3 (f)
 - stock, where shares converted into, 8 Sch. I, 6
 - date made up to, s. 158 (2)
 - exemption of certain companies from inclusion of list of members, s. 160
 - form, s. 158 (2), 8 Sch. II
 - liability for non-compliance, s. 158 (5)
 - no-liability companies, particulars required from, 8 Sch. I, 10, 11
 - profit and loss account, certified copy to be lodged with, 8 Sch. II
 - shareholders, list of, 8 Sch. II
 - signature by director or manager or secretary, s. 158 (4)
 - time for lodging, s. 158 (4)
 - unclaimed money certificate, 8 Sch. II
- company not having share capital, by, s. 159**
- contents, s. 159 (2)
 - accounts (as prescribed), s. 159 (2) (e)
 - address of registered office, s. 159 (2) (a)
 - auditor's address, s. 159 (2) (e)
 - indebtedness, registered, s. 159 (2) (e)
 - particulars of directors, managers or secretaries, s. 159 (2) (d)
 - register, address of, s. 159 (2) (b)
 - unclaimed moneys (as prescribed), s. 159 (2) (e)
 - date made up to, s. 159 (1)
 - non-compliance, penalty for, s. 159 (3)
 - time for lodging, s. 159 (1)
- destruction or disposal of old returns by Registrar, s. 12 (7)
 - exemption of certain companies from inclusion of list of members, s. 160
 - official manager, by, s. 105 (1) (e)

Appeal

- auditors board, to court from decision of, s. 9 (14)
- from order of court, s. 389
- liquidator, against decision of, s. 279
- Registrar, from refusals to register and other acts and decisions of, s. 12 (6)

Application

- court to
 - cancellation of objects, for, s. 28 (5)-(7)
 - Registrar, for enforcement of duty to file documents with, s. 12 (8)
 - costs, s. 12 (9)
- debentures, for—*see* **Debentures**
- name of company, for reservation of, s. 22 (7)
- shares, for—*see* **Shares**

Arbitration

- corporation may submit to, s. 393

Arrangement

- creditor, with, liquidator's power to make, s. 236 (1) (c)

Arrangements and Reconstructions, ss. 181-185

- amalgamation
 - facilitating orders which may be made by court on—*see* **creditors and members below**
 - implied power of company, 3 Sch. 4
- compromise—*see* **creditors and members below**

Arrangements and Reconstructions—continued

- creditors and members, compromise or arrangement between company and, ss. 181-183
arrangement defined, s. 181 (10)
company defined, s. 181 (10)
 amalgamation, court's power to make provisions facilitating—*see* facilitating orders
 approval by court, s. 181 (3) [below
 annexure of copy to company's memorandum or constitution, s. 181 (5)
 default in compliance, s. 181 (8)
 exemption by court, s. 181 (6)
 facilitating orders which court may make, s. 183
 registration of copy of order, necessity for, s. 181 (4)
 binding force, s. 181 (2), (4)
 debenture holders, trustees for, having material interest in compromise or arrangement
 creditors or members, right to copy of statement, s. 182 (3)
 default in supplying information, s. 182 (5), (7)
 notices and advertisements of meetings must contain statement, s. 182 (2)
 notice to be given to company, s. 182 (4)
 directors
 duty to obtain report by accountants or solicitors, s. 181 (7)
 material interest in compromise or arrangement, having
 creditors or members, right to copy of statement, s. 182 (3)
 default in supplying information, s. 182 (5), (7)
 notices and advertisements of meetings must contain statement, s. 182
 notice to be given to company, s. 182 (4) [(1)
 facilitating orders which may be made by court, s. 183
company defined, s. 183 (6)
liabilities defined, s. 183 (5)
property defined, s. 183 (5)
transferee company defined, s. 183 (1)
transferor company defined, s. 183 (1)
 allotment or appropriation by transferee company of shares or other interest,
 [s. 183 (1) (b)
 continuation of legal proceedings pending against transfer or company, s. 183
 dissentients, provision for, s. 183 (1) (e) [(1) (c)
 dissolution of transferor company, s. 183 (1) (d)
 incidental matters, s. 183 (1) (f)
 registration of office copy of order, s. 183 (4)
 transfer of undertaking and property or liabilities of transferor company,
 effect of transfer, s. 183 (2) [s. 183 (1) (a)
 registration of transfer of land, s. 183 (3)
 meetings of creditors or members
 approval of compromise, binding force, s. 181 (2)
 court order for, s. 181 (1)
 information to be supplied in notices and advertisements, s. 182
 default in supplying, liability for, s. 182 (5)-(7)
 three-fourths in value majority required, s. 181 (2)
 restraint of actions and legal proceedings after proposal, s. 181 (9)
 dissentients from scheme for reconstruction or amalgamation, provision by court for, s. 183
 dissenting shareholders, acquisition of shares of, s. 185 [(1) (e)
dissenting shareholder defined, s. 185 (9)
 commencement of Act, offer made before, s. 185 (10)
 demand by dissentient for names and addresses of all dissentients, s. 185 (3)
 notice by transferee company, giving and effect of, s. 185 (1)
 exception from provision, s. 185 (2)
 registration of transferee company by transferor company thereafter, s. 185 (5)
 oppression—*see* oppression *below*
 transferee company holding nine-tenths in value of shares, where, s. 185 (4)
 notice by holders of remaining shares requiring acquisition, s. 184 (4) (b)
 transferor company to pay moneys into separate bank account, s. 185 (6)
 trust property other than cash, transfer to State Treasurer after two years, s. 185 (7)
 duty of Treasurer, s. 185 (8)
 members compromise or arrangement between company and—*see* creditors and members
 oppression, remedies in case of, s. 186 [above
 alteration or addition to articles or memorandum, order involving, s. 186 (4)
 member, application to court by, s. 186 (1)
 Minister, application to court by, s. 186 (1)
 order other than for winding up, power of court to make, s. 186 (2) (b)
 registration of office copy of court's order, s. 186 (5)
 default, s. 186 (6)
 winding up order by court, s. 186 (2) (a)
 application of Act as if petition presented, s. 186 (3)
 reconstruction, facilitating order which may be made by court on—*see* creditors and members
 take-over offers—*see* **Take-over Offers** [above

Articles of Association, ss. 29-34—see also Table A ; Table B

- addition to—see alteration *below*
- adoption of Tables A or B, s. 31 (1)—and see **Table A ; Table B**
- alteration
 - adoption of Tables A or B, s. 31 (3)
 - copies issued thereafter to contain alteration, s. 34 (2)
 - default, s. 34 (4)
 - effect, s. 31 (2)
 - method, special resolution, s. 31 (1)
 - non-consenting member's liability not affected, s. 33 (3)
 - order of court, by, where company conducted oppressively to member, s. 186 (1), (2), [(4)
 - special resolution, by, s. 31 (1)
- binding force on company and members, s. 33 (1)
- charitable and other companies, conditions of licence to omit "limited", s. 29 (3)
- contents—see also **Table A ; Table B**
 - guarantee, in case of company limited by, s. 29 (4)
 - preference shareholders' rights to be set out, s. 66 (1)
 - unlimited company, in case of, s. 29 (3), (4)
- copy, s. 34
 - copy of certain resolutions to be annexed, s. 34 (3)
 - member may require, s. 34 (1)
 - to incorporate alterations, s. 34 (2)
- debts due under, to be specialty debt, s. 33 (2)
- differences in calls on and payment for shares may be authorized, s. 55 (a), (b)
- directors,
 - assignment of office, provisions as to, s. 130
 - restrictions in articles on naming of, s. 115
 - share qualification required by articles, s. 116
- effect
 - binding on company and members, s. 33 (1)
 - moneys payable by member a specialty debt, s. 33 (2)
- failure to register
 - applicability of Table A, s. 30 (2)
 - in case of no-liability company, Table B applies, s. 30 (3)
- form, s. 29 (2)
- guarantee, company limited by
 - number of members to be stated, s. 29 (4)
 - no share capital, invalidity of clause entitling others than members to participate in [profits, s. 32
- income tax, effect of provision relieving director from liability to, s. 128
- interest, payment out of capital of, to be authorized by articles or special resolution, s. 69 (a)
- investment company, of, special requirements, s. 338 (2)
- loss of registered articles, lodging of copy, s. 13 (1)
- moneys payable by members under a specialty debt, s. 33 (2)
- necessity for, form and contents, s. 29
 - contents—see contents *above*
 - non-obligatory for company limited by shares or unlimited company, s. 29 (1)
 - obligatory for company limited by guarantee, s. 29 (1)
- no-liability company—and see **Table B**
 - money payable by member to, s. 33 (2)
- poll, excluding right to demand or making demand ineffective, void except in circumstances preference shareholders' rights to be set out in, s. 66 [set out, s. 139
- proprietary company, obligatory provisions in memorandum or articles, s. 15 (1)
- registration, ss. 16, 29
- shares, transfer to be in manner provided by articles, s. 90
- signature by subscribers to memorandum, s. 29 (1), (2)
- Table A—see **Table A**
- Table B—see **Table B**
- tax-free payment to directors, effect of provision for, s. 128 (2)
- unlimited company to state share capital, s. 29 (3)

Assets—see Balance Sheet ; Winding Up**Association**

- application of Act to, s. 383
- formed for acquisition of gain, limit to twenty persons, s. 14 (3)
- unincorporated, application of provisions relating to winding up of unregistered companies, [s. 314 (1)

Attachment

- restriction on rights of creditors on winding up, s. 298

Attorney

execution of deeds on behalf of company, s. 35 (3), (4)

Audit

company's account, of—*see* **Auditors**
liquidator's accounts, of, s. 281

Auditors

- access to books and other records, right of, s. 167 (3), (6)
accountants, right to be registered, s. 9 (7)
accounts of company
 report on—*see* report *below*
 to be audited before laid before general meeting, s. 162 (4)
appointment, s. 165 (1), (2)
 casual vacancy, filling, s. 165 (3)
 Companies Auditors Board, by, where company does not appoint, s. 165 (8), (11)
 first appointment, s. 165 (1), (2), (11)
 necessity prerequisites—*see* who may be *below*
 necessity for previous holding of office or notice of nomination, s. 165 (12)-(14)
 copy to auditors of nominations, s. 165 (13), (14)
 removal of auditor, after, s. 165 (8), (9)
casual vacancy in office, s. 165 (3)
Companies Auditors Board—*see* **Companies Auditors Board**
 appointment of auditor where company does not appoint, s. 165 (11)
director, for, inspection of company's accounts by, s. 161 (5)
emoluments paid to auditor for non-auditing services, right of members to require particulars,
 [s. 166]
exempt proprietary company, circumstances in which appointment of auditor not necessary,
fees and expenses [s. 165 (10)]
 fixing of, s. 165 (15)
 non-auditing services, paid by company or subsidiary for—*see* emoluments *above*
 profit and loss account, to be set out in, 9 Sch. 1 (m)
firm acting as auditor, s. 9 (4), (5)
general meetings
 member's right to require reading of report, s. 167 (4)
 notice of, right to, s. 167 (5), Table A cl. 111, Table B cl. 93
 right to attend, s. 167 (5)
indemnity to—*see* liability *below*
liability for negligence, default, breach of duty or breach of trust
 court's power to grant relief, s. 365
 indemnification provisions in articles where successful defence or court relieves, s. 133
 relief provisions in articles or contract void, s. 133 (1) [(2)]
officer or agent of company, deemed to be, for purpose of inspection provisions, s. 168 (2) (a)
official management, not affected by, s. 204
prospectus, report to be set out in, 5 Sch. II
receivers and managers, Registrar may cause audit of account of, s. 195 (2), (3)
registration
 appeal to court against decision of board, s. 9
 necessity for, s. 9 (1) (a)
 period of, s. 9
 persons who may be registered, s. 9 (7)
 re-registration after cancellation, s. 9
 suspension or cancellation of, s. 9
removal, s. 165 (4)-(8)
remuneration—*see* fees and expenses *above*
report on balance sheet and profit and loss account
 copy to be sent out or supplied, s. 164 (1), (2)
 matters to be stated in, s. 164 (1), (2)
 member's right to inspect, s. 167 (4)
 right of access to accounting and other records, s. 167 (3), (6)
 to be attached to balance sheet and profit and loss account, s. 167 (4)
statutory report, examination and report upon, s. 135 (4)
 lodgement of auditor's report with Registrar, s. 135 (5)
who may be, necessary prerequisites, s. 9 (1)
 consent of appointee, s. 9 (6)
 firm, in case of, s. 9 (4), (5)
 not indebted to company, s. 9 (1) (b)
 not officer of company or partner, employer or employee of officer, s. 9 (1) (c), (2),
 registration as company auditor, s. 9 (1) (a) [(3)]

Authentication

document or proceedings requiring, may be signed by officer, s. 35 (2)

Balance Sheet, ss. 161-164, 8 Sch., Pt. II, 9 Sch.—*and see Accounts*

abnormal items in, s. 162 (6), (7)

aim to give true and fair view of affairs of company, s. 162 (11)

annual return, to be lodged with, 8 Sch.

attachments

directors' report, s. 162 (5)-(7)

holding company, in case of, 9 Sch. 4 (3) (a), (b)

statutory declaration by secretary, s. 162 (13)

audited balance sheet to be laid before general meeting, s. 162 (3), (4)

auditors' report

copy to be sent out or supplied, s. 164 (1), (2)

matters to be stated in, s. 164 (1), (2)

to be attached, s. 167 (4)

banking companies, s. 162 (11)

consolidated, of holding and subsidiary companies, 9 Sch. 4 (3)

contents, s. 162 (11), 9 Sch.

amounts owing, 9 Sch. 2 (1)

bank loans, 9 Sch. 2 (1) (m)

contingent liabilities, 9 Sch. 2 (1) (r)

dividends on preference shares, 9 Sch. 2 (1) (s)

overdraft, 9 Sch. 2 (1) (m)

subsidiaries, to and by, 9 Sch. 2 (1) (i) (i), (o)

trade creditors, 9 Sch. 2 (1) (p)

assets, current and fixed, to be shown, 9 Sch. 2 (1) (g)

method of valuation of fixed assets, 9 Sch. 3

Australian currency, all amounts to be quoted in, 9 Sch. 5

bank loans, 9 Sch. 2 (1) (m)

capital

authorized and issued, distinguishing between classes of shares and specifying
[uncalled capital and called arrears, 9 Sch. 2 (1) (a)]

interest paid out of, 9 Sch. 2 (1) (c)

redeemable preference shares, 9 Sch. 2 (1) (b)

debentures, 9 Sch. 2 (1) (k)

commission, 9 Sch. 2 (1) (f) (iii)

discount, 9 Sch. 2 (1) (f) (iv)

issue expenses, 9 Sch. 2 (1) (f) (ii)

public debentures, investment in, 9 Sch. 2 (1) (h) (i)

re-issuable, 9 Sch. 2 (1) (e)

discount

debentures, in respect of, 9 Sch. 2 (1) (f) (iv)

shares, on issue of, 9 Sch. 2 (1) (f) (v)

dividend arrears on preference shares, 9 Sch. 2 (1) (f) (ii)

expenses

issue of shares or debentures, 9 Sch. 2 (1) (f) (ii)

preliminary, 9 Sch. 2 (1) (f) (i)

goodwill to be stated, 9 Sch. 2 (1) (f) (vi)

holding company, balance sheet of subsidiaries and consolidated balance sheet to be

interest on share capital, 9 Sch. 2 (1) (e) [annexed, 9 Sch. 4]

investments

aggregate market value, 9 Sch. 5 (3)

government or municipal, 9 Sch. 2 (1) (h) (i)

other companies, in, 9 Sch. 2 (1) (h) (iii), (iv)

subsidiaries, in, 9 Sch. 2 (1) (h) (ii)

liabilities, 9 Sch. 2 (1) (i)

contingent, secured and unsecured, 9 Sch. 2 (1) (r)

separate classification, 9 Sch. 2 (1) (g)

overdrafts, 9 Sch. 2 (1) (m)

patents, 9 Sch. 2 (1) (f) (vi)

preliminary expenses, 9 Sch. 2 (1) (f) (i)

profit and loss account, balance, 9 Sch. 2 (1) (j)

redeemable preference shares, 9 Sch. 2 (1) (b)

redeemed debentures which may be re-issued, 9 Sch. 2 (1) (e)

reserves, 9 Sch. 2 (1) (g)

shares

commission in respect of, 9 Sch. 2 (1) (f) (iii)

discount on issue of, 9 Sch. 2 (1) (f) (iv)

dividends owing on preference shares, 9 Sch. 2 (1) (s)

issue expenses, 9 Sch. 2 (1) (f) (ii)

premium account, 9 Sch. 2 (1) (d)

redeemable preference, 9 Sch. 2 (1) (b)

Balance Sheet—continuedcontents—*continued*

- subsidiaries—*and see* holding company *above*
 - amounts owing by, 9 Sch. 2 (1) (i) (i)
 - amounts owing to, 9 Sch. 2 (1) (o)
 - investments in, 9 Sch. 2 (1) (h) (ii)
- trade creditors, 9 Sch. 2 (1) (p)
- trade marks, 9 Sch. 2 (1) (f) (vi)
- copy to be sent or supplied to members and debenture holders, s. 164 (1), (2)
 - default in supply, s. 164 (3)
- debenture holders, entitlement to, s. 164 (2)
- directors
 - certificate to accompany, s. 162 (12)
 - duty regarding, ss. 161 (1), 162 (3), Table A cl. 97, Table B cl. 80
 - offences regarding, s. 163
 - report to be attached, s. 162 (5), (6)
- disclosures required, s. 162 (11)
- false statement in, liability for, s. 357 (2)
- foreign company, of—*see* **Foreign Company**
- general meeting, to be laid before, ss. 162 (3), 164 (2)
- investment companies, special requirements in respect of, s. 341 (1), (2)
- life assurance companies, non-application of provisions to, ss. 162 (15), 164 (4)
- managers, duty regarding, s. 161 (1)
- members' entitlement to, s. 164 (1)
- period covered by, s. 162 (1)
- report of directors, ss. 137 (3), 162 (5)-(9)
- reserves
 - representation of existence of, when permitted, ss. 145, 162 (14)
 - securities on which invested to be shown, ss. 145, 162 (14) (a)
 - used in the business, statement to that effect where, ss. 145, 162 (14) (a)
- secretary, verification by, ss. 145, 162 (13)
- time for laying before general meeting, s. 162 (1)-(3)
 - extension, s. 162 (2)

Bank

- banker deemed officer or agent for purposes of inspection provisions, s. 168 (1)
- no obligation to inquire into application of moneys paid prior to allotment, s. 49 (1)

Banking Company

- banking corporation defined*, s. 5 (1)
- balance sheet and profit and loss account, deemed to comply with Act if complying with law
 - [of Commonwealth, s. 162 (11)]
- debenture or prospectus not required in connection with invitation to public to deposit
 - [money, s. 38 (4), (5)]
- foreign, exemption from obligations in respect of exhibition and statement of name and
 - [place of incorporation, s. 350 (1)]
- investigation of affairs by direction of Governor, s. 169 (1) (c)

Bankruptcy

- contributory, of, s. 220 (2)
 - trustee to represent, s. 220 (2)
- director, of
 - undischarged bankrupt not to act as director without leave of court, s. 117
 - vacation of office, Table A cl. 72, Table B cl. 55
- member, of, Table A cl. 25, Table B cl. 16
- receiver, disqualification of undischarged bankrupt from acting as, s. 187 (1) (b)

Bill of Exchange

- implied powers of company with respect to, 3 Sch. 15
- liquidator may draw or accept, s. 236 (2) (f)
- name of company to appear in, s. 113 (1) (b)
 - liability of officers for failure regarding, s. 113 (2)

Boards, application of Act to, s. 382 (2) (Vic. Act)**Bonus Shares—see also Shares**

- application of capital redemption reserve to paying up, s. 61 (7)
- application of share premium account to paying up, s. 60 (2) (a)

Books—see also Accounts ; Minutes

- defined*, s. 5 (1)
- destruction or falsification, liability for, s. 301 (2)
- form, s. 369
 - precaution, where not kept in bound book, s. 369 (2)
- inspection, times and place where available for, s. 370 (1)

Books—continued

- liquidator, to be kept by—*see* **Liquidators**
- production
 - to inspector investigating company's affairs, s. 171 (2)
 - where offence suspected, s. 368

Books and Papers

- inspection, court may make order for, s. 248
 - official management, company under, s. 208
- winding up
 - delivery to liquidator, s. 245 (1)
 - prima facie* evidence as between contributories, s. 284 (1)
 - to be retained for five years and may then be destroyed, s. 284 (2)
 - authority for earlier destruction, s. 284 (3)
 - exclusion of liquidator from liability where authorized destruction, s. 284 (4)

Borrowing

- conditions of exercise of powers, s. 52
 - certificate of compliance by Registrar conclusive, s. 52 (3)
 - where prospectus issued, s. 51 (1)
 - where prospectus not issued, s. 51 (2)
- implied powers of company with respect to, 3 Sch. 13
- investment companies, restrictions on, s. 335
- liquidator in winding up by court, powers of, s. 236 (2) (g)

Breach of Duty or Trust

- debenture holders, by trustee for, indemnification provisions invalid except to extent relief from liability for [provided by Act, s. 75]
 - court may grant, s. 365
 - provisions for, in articles, contract or otherwise, void, s. 133
 - indemnity by company, in respect of successful defence to proceedings or where [court relieves, s. 133 (2)]

Branch Register, s. 157—*and see* Foreign Company

- defined*, s. 5 (1)
- annual return, entries from to be stated in, s. 158 (3)
- application of provisions regarding, to what companies, s. 157 (7)
- closing of, advertisement of, s. 157 (3)
- company may keep, s. 157 (1)
 - manner of keeping, s. 157 (3)
- copies of entries to be sent to principal register, s. 157 (4)
- default in compliance with Act, liability for, s. 157 (9)
- discontinuance of
 - notice to be filed, s. 157 (2)
 - transfer of entries, s. 157 (6)
- duplicate to be kept at registered office, s. 157 (4)
 - principal register, deemed part of, s. 157 (4)
- foreign company, of, in State—*see* **Foreign Company**
 - application of provisions regarding inspection and rectification of registers to, s. 157 (8)
- notices regarding, to be filed, s. 157 (2)
- principal register, deemed part of, s. 157 (1)
- shares registered in, to be distinguished from shares on principal register, s. 157 (5)
 - transaction with respect to, not to be registered in any other register, s. 157 (5)
- situation and any change in situation, notice to be filed of, s. 157 (2)
- transactions with respect to shares in, not to be registered in any other register, s. 157 (5)

Brokerage

- payable by company, when, s. 58 (3)
- share premium account, application of, to writing off of, s. 60 (2) (ii)

Building Societies, application of Act to, s. 383**Business**

- commencement of—*see* **Commencement of Business**
- company ceasing to carry on may be struck off register, s. 308
- letters, name and situation of registered office of company to appear in s. 113 (1) (b)
 - liability of officers for failure regarding, s. 113 (2)
- prohibition of carrying on with fewer than statutory number of members, s. 36

Calls—*see also* Contributory

- bankruptcy of contributory, proof against estate, s. 220 (2) (b)
- charge on calls made but not paid, must be registered, s. 100 (3) (e)
- differences in amounts and times of payment, s. 55
- future, charge on, s. 236 (3) (b)
- no-liability company, on shares in—*see* **No-liability Company**

Calls—*continued*

- payment in advance, s. 55 (b)
- reduction of capital, liability of members after, s. 64 (9)
- reserve liability, s. 56
- Tables A and B, provisions in—*see* **Table A ; Table B**
- winding up by the court
 - power of court to make, s. 245 (3)
 - court may delegate power to liquidator, s. 252 (d)
 - power of liquidator to compromise, s. 236 (1)

Capital—*see also* **Reduction of Capital ; Shares**

- alteration of, s. 62
 - division of shares into larger amounts, *see* *consolidation below*
 - cancellation—*see* *cancellation below*
 - increase—*see* *increase below*
 - reduction—*see* **Reduction of Capital**
 - subdivision of shares into smaller amounts—*see* *subdivision below*
- “arrangement” includes a re-organisation of, s. 181 (10)
- cancellation of, s. 62 (1) (e), Table A cl. 42 (d), Table B cl. 23 (d)
 - deemed not reduction, s. 62 (2)
 - paid up, s. 64 (1) (b)
- consolidation of, s. 62 (1) (b), Table A cl. 40 (b), Table B cl. 23 (b)
- conversion of shares into stock and *vice versa*, s. 62 (1) (c)
- increase of, s. 62 (1) (a), Table A cl. 40, 41, Table B cl. 23 (b)
 - notice to be filed, s. 62 (4)
 - unlimited company, by, s. 62 (3)
 - where new issue not deemed to be, s. 61 (6)
- interest, payment out of, s. 69
- preference shareholders, allotment of preference shares prohibited unless priority in payment
 - [of, set out in memorandum or articles, s. 66 (1)]
- reduction—*see* **Reduction of Capital**
- reserve liability, creation by special resolution, s. 56
- subdivision of, s. 62 (1) (d), Table A cl. 40 (c), Table B cl. 23 (c)
- uncalled, to be called up in winding up only, special resolution for, s. 56
- unlimited company, of
 - articles, to be stated in, s. 29 (3)
 - provisions regarding increase, s. 63 (3) (a)
 - uncalled portion, may be made uncalled except in winding up, on registration as
 - [limited, s. 62 (3) (b)]
- unpaid, extinction or reduction of liability on, s. 64 (1) (a)

Capital Redemption Reserve

- application of, in issue of bonus shares, s. 61 (7)
- constitution of, s. 61 (5)

Certificates

- alteration of memorandum, of registration of, s. 21 (3)
- company’s right to commence business and exercise borrowing powers, of, s. 52 (3)
- false statement in, liability for, s. 375 (2)
- incorporation, of, s. 16 (3)
 - certified copy, effect of, s. 12 (3)
 - foreign company, lodgement of certified copy with Registrar, s. 346 (1) (a)
 - proprietary company altered to public company, s. 26 (3)
- share—*see* **Shares**
- that person was a director, manager or secretary of a specified company, s. 134 (8)
- unclaimed moneys to be lodged with annual return, 8 Sch.

Chairman

- appointment at meeting of company, s. 140 (1) (b)
- declaration by, of carrying of special resolution, when conclusive, s. 144 (3)
- minutes of meetings to be signed by, s. 148 (1) (b), (2), (3)

Change—*see also* **Alteration**

- name of company, of, s. 23
 - charitable and similar companies, omission of “limited”, s. 24 (2)

Charges, ss. 100-110

- defined*, s. 5 (1)
- annual return of company not having a share capital, particulars to be shown in, s. 159 (1)
- certificate of registration conclusive, s. 103 (2)
- debentures, to be indorsed on, s. 104 (1)
- Registrar to give, s. 103 (2)

Charges—continued

- copy to be kept by company at registered office, s. 107 (1)
 - inspection of, s. 107 (3)
- debenture holders, trustee for, particulars to be given to, s. 74 (8)
- debentures
 - given by, certificate of registration to be indorsed on, s. 104 (1)
 - registration by company, s. 101 (1), (3)
 - particulars to be given, s. 100 (5)
 - person interested, by, s. 101 (1)
 - fees paid by, may be recovered from company, s. 101 (2)
- effect of unregistered, s. 100 (1), (2)
- execution, affidavit verifying, to be filed, s. 100 (1) (b)
- extension of time for registration, s. 106
 - where document made out of State, s. 108
- foreign company
 - application of registration provisions to, s. 110
 - charge created before foreign company registered in State, s. 102 (1)
- inspection of company's register, s. 107 (3)
- instrument creating or copy to be filed, s. 100 (1)
- particulars to be entered in register of, s. 103 (1)
- payment of debt, memorandum to be entered by Registrar in register, s. 105
- property
 - acquired, registration of existing charges, s. 102 (1)
 - outside the State affected, registration, s. 100 (4)
 - release of, entry on memorandum by Registrar, s. 105
- rectification of register, s. 106
- register to be kept by company, s. 107
 - inspection of, s. 107 (3)
- registration of, s. 100
 - affidavit verifying execution (and copy) to be filed, s. 100 (1)
 - application of provisions for, to what charges, s. 100 (3)
 - certificate of, to be given by Registrar, conclusive, s. 103 (2)
 - commencement of Act, charges created before, s. 109
 - company, by, s. 101 (1)
 - copy filed for, affidavit verifying to accompany, s. 100 (1)
 - documents made out of State, extension of time, s. 108
 - foreign company
 - application of provisions to, s. 110
 - charge created by, prior to registration in State, s. 102 (1)
 - persons interested, by, s. 101 (1)
 - fees paid may be recovered from company, s. 101 (2)
 - property acquired existing charges on, s. 102 (1)
 - rectification of register, s. 106
 - relief by court for omissions or misstatements regarding, s. 106
 - series of debentures, particulars to be given, s. 100 (5)
 - time for, extension of, s. 106
- satisfaction of debt, Registrar to enter memorandum in register, s. 105
 - relief by court for omissions or misstatements in, s. 106
- subsequent to prior unregistered, validity of, s. 100 (10)
- trustee for debenture holders, particulars to be given to, s. 74 (8)
- unregistered, effect of, s. 100 (1), (2)
 - prior, subsequent charge to, validity of, s. 100 (10)
- validity of charge subsequent to prior unregistered charge, s. 100 (10)

Charitable Companies

- "Limited" may be dispensed with by Minister, s. 24
 - exemptions and privileges resulting from licence, s. 24 (4), (5)

Charitable Purposes, company may make gift for, s. 19 (b)**Cheque**

- name of company to appear on, s. 113 (1) (b)
 - liability of officers for failure regarding, s. 113 (2) (c)

Citation of Act, s. 1**Commencement of Act, s. 2**

- defined, s. 5 (1)

Commencement of Business

- certificate by Registrar-General as to compliance with conditions, s. 52 (3)
 - conditions of, s. 52
 - where prospectus issued, s. 52 (1)
- contract made before, effect of, s. 52 (4)

Commission—see also Debentures ; Shares

- promoter, payment by, s. 58 (4)
- shares, on subscription for, s. 58—*see also Shares*
- share premium account, application to writing off of, s. 60 (2) (b)
- vendor to company, payment by, s. 58 (4)

Commissioners

- appointment by Court, s. 290

Committee

- appointed by directors—*see Directors*

Committee of Inquiry

- appointment at statutory meeting, s. 135 (9)

Committee of Inspection, Pt. X, Div. 2, Sub-div. (3), ss. 241-242

- appointment, s. 241
 - creditors' voluntary winding up, in case of, s. 262
- constitution of, s. 242 (1)
- court, exercise of powers by, where no committee, s. 241 (3)
- creditors and contributories, separate meetings of, to determine whether to appoint, s. 241 (1)
 - decision of differences by court, s. 241 (2)
- creditors' voluntary winding up, in case of, s. 262
 - power to fix remuneration of liquidator, s. 261 (3)
- direction to liquidator to invest surplus funds on general account, s. 285
- disclaimer of onerous property, leave to liquidator for, s. 296 (1)
- failure to appoint, court's power to do acts and give directions, s. 241 (3)
- liquidator, powers exercisable with authority of court or committee, s. 236 (1)
- meetings, s. 242
 - absence, effect of, s. 242 (5)
 - acting by majority, s. 242 (3)
 - majority of committee to be present at, s. 242 (3)
 - times and places of, s. 242 (2)
- members
 - absence from meetings, effect of, s. 242 (5)
 - authority to act on committee, s. 242 (1)
 - bankruptcy, effect of, s. 242 (5)
 - removal, s. 242 (6)
 - resignation, s. 242 (4)
- powers
 - actions of liquidator which committee may authorize, s. 236 (1)
 - liquidator to have regard to committee's directions in administration and distribution [of assets, s. 237 (1)]
- vacancy
 - continuing members may act, s. 242 (8)
 - liquidator to summon meeting to fill, s. 242 (7)

Committee of Management—see Official Management**Commonwealth Life Assurance Act**

- accounts of registered life assurance companies, provisions of ss. 162 and 164 not applicable [to, ss. 162 (15), 164 (4)]

Companies Auditors Board

- appointment of auditor where company does not appoint, s. 165 (8), (11)
- inquiry into conduct as well as abilities of auditor, s. 9
- registration of company auditors, ss. 8 (1) (b), 9
- registration of liquidators, s. 9 (7)
- to have powers of local court, s. 9 (13)

Companies Liquidation Account, s. 286**Company**

- defined*, ss. 5 (1), 76 (1), 181 (10)
- public company defined*, s. 5 (1)
- banking—*see Banking Company*
- certificate of incorporation—*see Certificates*
- charitable, "Limited" may be dispensed with, s. 24
- defunct—*see Defunct Company*
- exempt proprietary—*see Exempt Proprietary Company*
- holding—*see Holding Company*
- illegal, restriction on sale of shares, s. 381
- investment—*see Investment Companies*
- limited
 - defined*, s. 5 (1)
 - as last word of name, s. 22 (3)
 - charitable companies, omission, s. 24

Company—continued

limited by guarantee

defined, s. 5 (1)articles—*and see* **Articles of Association**

number of members to be stated, s. 29 (4)

provision giving person other than member right to share in profits void, s. 32

requirement to register, s. 29 (1)

authorization by Act, s. 14 (2)

contribution, liability of members on winding up, not to exceed amount undertaken,
[s. 218 (1) (e)]

company limited by shares and guarantee, s. 218 (4)

conversion to company limited by shares and guarantee, s. 25 (1)

holding company, where, subsidiary cannot be member, s. 17

reference to shares to be read as reference to any interest of member, s. 17 (6)

incorporation, s. 16 (3)

memorandum—*and see* **Memorandum**

provision giving person other than member right to share in profits void, s. 32

statements required in, s. 18 (1)

notice to be given in case of increase of members, s. 29 (5)

number of members to be stated in articles, s. 29 (4)

limited by shares

defined, s. 5 (1)

articles, power to register, s. 29 (1)

applicability of Table A, s. 30 (2)

contribution on winding up not to exceed amount unpaid on shares, s. 218 (1)

incorporation, s. 14

[(d)]

management—*see* **Interests Other Than Shares, Debentures, Etc.**mining—*see* **Mining Company**name—*see* **Name of Company**no-liability—*see* **No-liability Company**offences by—*see* Appendix A to this Indexpowers of—*see* **Powers of Company**private—*see* **Private Company**proprietary—*see* **Proprietary Company**related companies—*see* **Holding Company ; Related Companies ; Subsidiary Company**

repealed Act, incorporated under, s. 4

matters requiring extraordinary resolution may be done by special resolution, s. 144 (8)

savings as to, s. 4

subsidiary—*see* **Subsidiary Company**

types of companies, s. 14 (2)

unlimited—*see* **Unlimited Company****Compensation**

allotment provisions of Act, knowing contravention, liability to pay, s. 48 (6)

directors, to, for loss of office, s. 129

penalty may be applied by court to, s. 382 (6)

Compromise—*and see* Arrangements and Reconstructions

liquidator's powers

calls and liabilities therefor, in relation to, s. 236 (1) (d)

other debts, in relation to, s. 236 (2) (i)

Consolidation—*see* Capital ; Shares**Contracts**

commencement of business, before, provisional only, s. 52 (4)

debentures, to take, specific performance, s. 71

director interested in contract with company—*see* **Directors**

on behalf of company, s. 35

authentication of documents, s. 35 (2)

execution of deeds, s. 35 (3)

period during which authority of agent or attorney continues, s. 35 (4)

may be made by person on its behalf, s. 35 (1) (c)

official seal for use abroad, s. 35 (5)

required to be in writing, may be signed by authorized person, s. 35 (1) (b)

required to be under seal, may be under seal of company, s. 35 (1) (a)

to what extent binding, s. 35 (1)

to what extent they may be varied or discharged, s. 35 (1)

referred to in prospectus or statement in lieu, not to be varied before statutory meeting, s. 53

shares, involving the transfer of, s. 185

Contributory

defined, s. 5 (1)

absconding, arrest and seizure of books and personal property of, s. 251

application for direction to liquidator to incur particular expense, s. 287 (2)

bankruptcy of, s. 220 (2)

liquidator may prove in, s. 236 (2) (e)

books and papers of company, court may order inspection by creditors and, s. 248

calls may be made on, s. 245 (3)

committee of inspection

creditors and contributories, separate meetings of, to determine whether to appoint,

to consist of creditors and contributories or their agents, s. 242 (1) [s. 241

compromise of calls and liabilities by liquidator, s. 236 (1) (d)

court to have regard to wishes of, s. 289

death of, s. 220 (1)

destruction or falsification of books by, s. 301 (2)

director whose liability is unlimited, liability of, s. 218 (2), (3)

insurance policy or other contract whereby liability of members limited, effect of Act on, liability of past and present members, s. 218 (1) [s. 218 (1) (f)

list to be settled by court, s. 244

dispensing with settlement, s. 244 (2)

liquidator

accounts of

notice of, s. 281 (4)

right of inspection, s. 281 (3)

application to court to have powers controlled, s. 236 (3)

books of, right of inspection, s. 277

misconduct, complaint to court by contributory, s. 278 (1)

objection by contributory to release, s. 240 (2), (3)

release and dissolution of company, after realization and distribution and adjustment

[of rights of contributories, s. 239

to have regard to directions of contributories, s. 237 (1)

summoning of general meeting of contributories, s. 237 (2)

meetings of—*see* **Winding Up**

members, liability of, s. 218 (1)

company limited by guarantee, s. 218 (1) (e)

sum due by company to member, by way of dividends, etc., effect of, s. 218 (1) (g)

nature of liability, s. 219

past members, liability of, s. 218 (1) (a)-(d)

petition for winding up, right to, s. 221 (1) (c)

limitations on right, s. 221 (2) (a)

public examination, right to take part in, s. 250 (2)

saving of existing powers to institute proceedings against, s. 253

set-off to, in case of claim made on winding up, ss. 218 (1) (g), 245 (2)

stay of proceedings against company, right to apply for, s. 226

stay of winding up, right to apply for, s. 243 (1)

unregistered company

actions against contributories may be stayed, s. 317 (1)

liability on winding up, s. 316

Conviction

persons convicted of certain offences disqualified from taking part in management of [companies without leave, s. 122

Copy

memorandum and articles, of

right of member to, s. 34 (1)

to contain alterations, s. 34 (2)

registered document, of, admissibility in evidence, s. 12 (3)

registration of copies of certain resolutions and agreements, s. 146

Copyright, implied powers in respect of, 3 Sch. 3**Corporation**

meetings of company, representation at, s. 140 (3)

Costs

in the event of order where there is default in lodging documents, s. 12 (9)

investigation at direction of Governor, of, security for, s. 169 (2)

liability of past and present members to contribute to, on winding up, s. 218 (1)

penalty may be applied by court towards, s. 382 (6)

petition in the event of winding up, of, s. 224

proceedings before court, of, s. 363 (2)

rules, courts power to make, s. 395

security, plaintiff company may be ordered to give, s. 363 (1)

Court

- defined*, s. 5 (1)
 accounting and other records, inspection by auditor for director of, may be ordered, s. 106
 alteration of memorandum, direction for notice of registration of, s. 21 (5)
 alteration of objects
 application for cancellation, s. 28 (5)
 dispensing with notice, s. 28 (4)
 annual general meeting, power to order holding, s. 136 (4) (a)
 appeal from act or decision of Registrar, s. 12 (6)
 appeal from order invalidating contract resulting from forbidden offer of shares, debentures, [etc., s. 374 (10)
 appeal from order of, s. 389
 arrangements and reconstructions, powers in respect of—*see Arrangements and Reconstructions*
 bankrupt, leave to act as director, s. 117 [tions
 books and papers, order for production where offence suspected, s. 368
 certificate of shares or debentures
 power of court where default in issue, s. 99 (3)
 production may be ordered, s. 96 (3), (4)
 charges, rectification of register or extension of time for registration may be ordered, s. 106
 Companies Auditors Board, appeal from decision of, s. 9 (14)
 contributories, power in respect of—*see winding up below*
 convicted person, leave to act in management of company, s. 122
 costs—*see Costs*
 debentures—*see also certificate above*
 enforcement of, by, where irredeemable, or redemption contingent or postponed, [s. 74 (9)
 meeting of debenture holders, power to order, s. 74 (9) [s. 74 (9)
 trustee for debenture holders, circumstances in which company not to be appointed [without leave, s. 74 (5)
 defunct company, power to restore to register, s. 308 (5)
 director
 bankrupt, leave to act as, s. 117
 removal of, in, representations need not accompany special notice of resolution, [where court satisfied rights being abused, s. 120 (4)
 unlimited liability in winding up, powers of court in respect of, s. 218 (3) (c)
 examination of persons connected with company, s. 249
 apprehension where refusal to attend, s. 249 (5)
 before whom held, s. 249 (4)
 legal advisers, right to employ, s. 249 (5)
 powers of court, s. 249 (2)
 production of books may be required, s. 249 (3)
 public examination—*see public examination below*
 summons, any person who can inform as to formation trade dealings or property of the [company may be summoned before court, s. 249 (1)
 requirement to sign answers in writing, s. 249 (2)
 fraudulent offences, restraint of convicted persons from taking part in management of [companies, s. 122
 fraudulent trading by company, declaration that parties personally responsible for debts, [s. 304
 inspection of books by creditors and contributories, power to order, s. 248
 inspection, power to commit for contempt where refusal to supply information in, s. 171 (4)
 interest out of capital, approval of payment of, s. 69
 irregularities in proceedings under Act, powers of court where, s. 366
 judgement, discovery in aid of execution of, s. 390
 liquidators, powers in relation to—*see Liquidators*
 Master or Deputy Master included in deputation of, s. 5 (1)
 meeting
 company, of, may be directed by, s. 142 (1)
 annual general, s. 136 (4)
 power to make rules, s. 384 (c)
 debenture holders, of, may be ordered by, s. 74 (9)
 direction as to may be given by, s. 388
 members—*see also Members of Company*
 register of, rectification of, s. 155
 damages in connection with, s. 155 (1)
 where complaint of oppression, may apply to, s. 186
 regulation of company's affairs, order for, may be made by, s. 186
 misapplication of moneys by promoter or liquidator, may order to be restored, s. 305
 must appear to, that existing members are unable to satisfy debts before past members are [liable, s. 218 (1) (b)
 order of, enforcement of, s. 389
 petitions to—*see Reduction of Capital ; Winding Up*
 proprietary company, power of court where default in compliance with requirements, s. 27

Court—*continued*

- public examination, s. 250
 - power to order, where fraud is reported by liquidator, s. 250 (1)
 - powers and duties on hearing, s. 250 (2)-(8)
- receiver, liquidator may be appointed as, s. 190
- receiver or manager
 - application for directions, s. 188 (2)
 - direction to make good default in duties, s. 197
 - remuneration may be fixed by court, s. 189 (1)
 - power of court regarding, s. 189 (2), (3)
 - variation, s. 189 (4)
- rectification of register of members, s. 155
 - damages in connection with, may be ordered by, s. 155 (1)
- reduction of capital, confirmation of, s. 64
 - addition of "and reduced" to company name may be ordered, s. 64 (4)
 - list of creditors to be settled, s. 64 (2)
 - publication of information regarding, may be ordered, s. 64 (4)
- Registrar
 - appeal from act or decision of, s. 12 (6)
 - certificate given on lodging of copy of lost or destroyed document, power of court to
 - [confirm, vary or rescind, s. 13 (5)]
 - registration of accounts, documents, etc., enforcement of, s. 12 (8)
 - relief, may grant to officers, auditors, experts, receivers and liquidators guilty of breach of
 - rules, power to make, s. 395 [duty or trust, s. 365]
 - delegation to liquidator of certain powers of court in winding up by court, s. 252
 - shareholder dissenting from scheme for transfer of shares, application to court by, s. 185
 - shares—*see also* certificate *above*
 - issue at discount of, to be sanctioned by, s. 59 (1), (2)
 - special investigation, power to commit for contempt of court where refusal to supply informa-
 - tion in, s. 173 (5)
 - special manager, appointment on application of liquidator, s. 246 (1)
 - statement of affairs on winding up, powers of in relation to, s. 234
 - transfer of shares, production of, may be ordered by, s. 96 (3), (4)
 - unregistered company, leave necessary to take action against contributory on winding
 - [up order, s. 317 (2)]
- variation of shareholder's rights, application to cancel, s. 65
 - when application to be made, s. 65 (3)
- winding up
 - application after report of special investigation, s. 175 (1)
 - by—*see* **Winding Up by the Court**
 - contributories
 - absconding may be arrested, s. 251
 - adjustment of rights, s. 247 (2)
 - list to be settled, s. 244 (1)
 - order to pay money due to company, s. 245 (2)
 - order to pay to account of liquidator in lieu of liquidator, s. 245 (4)
 - costs, charges and expenses, order for priority in payment, s. 247 (3)
 - costs of petitioner, s. 224
 - fixing time for proof of debts, s. 247 (1)
 - general powers of, on, Pt. VI, Div. 2, Sub-div. 4, ss. 243-253
 - cumulative on existing powers, s. 253
 - order that moneys due by contributory to be conclusive evidence it is due, s. 245 (6)
 - power to stay proceedings, s. 243 (1)
 - property, books and papers to be delivered to liquidator, s. 245 (1)
 - unclaimed assets and undistributed moneys, s. 286
- Covenants**, company, by, trustees for debenture holders, with, s. 74 (3)
- Creditors**—*see also* **Debts**; **Official Management**; **Winding Up by the Court**; **Winding Up**,
 - arrangement with, liquidator's power to make, s. 236 (1) (c) [Voluntary
 - charges
 - register of, inspection of, by, s. 107 (3)
 - unregistered, void against, s. 100 (1)
 - committee of inspection
 - creditors and contributories, separate meeting of, to determine whether to appoint,
 - to consist of creditors and contributories or their agents, s. 242 (1) [s. 241
 - consent of, reduction of capital, to, s. 64 (2)-(4)
 - enforcement of duty to make returns to Registrar, right to apply for, s. 12 (8)
 - inspection of books and papers, court may make order for, s. 248
 - official management, company under, s. 208
 - liquidator
 - directions to, by resolution of meeting of creditors, s. 237 (1)
 - may apply to have powers controlled, s. 236 (3)
 - may inspect his accounts, s. 281 (3)

Creditors—continued

- may petition for winding up, s. 221 (1) (b), (2) (c)
- may serve demand on company to pay, s. 222 (2) (a)
- meetings of—*see* **Official Management ; Winding Up ; Winding Up, Voluntary**
corporation, representation of, at, s. 140 (3), (6)
- notice to, of reduction of capital, s. 64
dispensing with, s. 64
- objecting to reduction of capital, consent or protection of, s. 64
- official management, company under, protection of interests of creditors, s. 205 (1), (6)
proceedings
 - irregularity in, rectification of, not to be prejudiced, s. 366 (3) (b)
 - pending against company, may apply to stay, s. 226
- rights and interests to be considered on application for cancellation of alteration of objects,
[s. 28 (5)]
- special investigation of company, Governor to be satisfied investigation necessary for
winding up [protection of, s. 172 (3)]
 - execution or attachment, restrictions on rights to, s. 298
 - payment in full by liquidator, s. 236 (1) (b)
 - proof of debts, s. 291
 - priority of debts, s. 292
 - staying of proceedings for, may apply for, s. 243 (1)

Crown, winding up provisions relating to remedies against property of company, priority of debts
[and effect of arrangement with creditors binding on, s. 217]

Damages

- bona fide* payment to director for breach of contract, s. 129 (5) (c)
- mistake or default in registration of member, where, s. 155
- delinquent promoters as liquidators or directors, power of court to assess damages against,
[on winding up, s. 105]

Death

- of contributory, s. 220
- of shareholder, 4 Sch., Table A cl. 24-27, Table B cl. 15-18
- transmission of shares or debentures by operation of law, s. 95 (1), (5)
- transfer of shares, debentures or other interests by personal representatives, s. 95 (2)-(5)

Debenture Holders—see Debentures**Debentures—see also Allotment ; Charges**

- defined*, s. 5 (1)
- accounts of company, right to debenture holder to copy, s. 164 (2)
- allotment—*see* **Allotment**
- allowance for subscribing or procuring subscription for prospectus, particulars to be given
- alteration of objects of company [on registration, s. 100 (7)]
 - notice to be given to trustee for debenture holders, s. 28 (3)
 - right to apply for cancellation, s. 28 (5)
- application for
 - amount payable on, s. 48 (3)
 - no allotment unless minimum subscription received, s. 48 (1), (2)
 - repayment of moneys where minimum subscription not received, s. 48 (4)
 - form must be issued with registered prospectus, s. 37 (1)
 - exception where no public offer, s. 37 (2)
 - moneys held in trust until allotment, s. 49 (1)
 - simultaneous offer of shares and debentures, right of company to receive moneys,
[s. 52 (5)]
- arrangement or compromise, affecting rights of holders, statement to be included in notice to
[creditors or members, s. 183 (2), (4)-(7)]
- balance sheet, right of debenture holder to copy, s. 164 (2)
- banking corporation, right to act as trustee, s. 74 (6) (a)
- breach of trust, exemption or indemnification provisions invalid except to extent provided in
[Act, s. 75]
- brokerage on, application of share premium account to writing off of, s. 60 (2) (d)
- certificate of registration of charge, to be indorsed on, s. 104
- certification of transfer instrument, provisions regarding, s. 98
- charges, registration of—*see* **Charges**
- commission for subscribing or procuring subscription for, particulars to be given on registra-
[tion, s. 100 (7)]
- commission on, application of share premium account to writing off of, s. 60 (2) (d)
- contracts to take, specific performance of, s. 71
- copy of register of holders of, right of holders and shareholders to, s. 70 (5)
- copy of trust deed securing issue of, right of holder to, s. 70 (6)

Debentures—continued

- covenants by company with respect to trustees for holders of, to be contained in, s. 74 (3)
- deposit of, as security for debt of company, not deemed issue at discount, s. 100 (8)
- deposit or loan in response to public invitation must be secured by, s. 38
- deposited as security for advances on current account, when not to be deemed redeemed, destruction of document of title, s. 94 [s. 73 (3)]
- discount on
 - application of share premium account to writing off of, s. 60 (2) (d)
 - particulars to be given on registration of, for subscribing or procuring subscription of, [s. 100 (7), (8)]
- document offering, for public sale, when deemed prospectus, s. 43
- duplicate document of title where loss or destruction, s. 94 (2)
- endorsement of certificate of registration on, s. 104
- enforcing of security for, where irredeemable or redemption contingent or postponed, s. 74 (9)
- hawking of, ss. 374, 375
- inquiry into ownership, power of Minister to require persons interested or their solicitors to [give information, s. 178]
 - restrictions on debentures, power to impose, s. 179
- inspection of register of, by holder and shareholders, s. 70 (3)
- investment company
 - not to invest in debentures of another investment company, s. 339
 - to issue if borrowing over specified amount, s. 335 (2)
- invitation to public to deposit or lend money
 - deemed issue of debentures, s. 5 (5)
 - not unless intended to issue, s. 38 (1)
- irredeemable
 - enforcing of security for, s. 74 (11), (12); validity of, s. 72
- issue of, after allotment or transfer, duties of company, s. 99
 - default
 - court's powers on, s. 99 (3)
 - liability for, s. 93 (2)
- life insurance corporation, right to act as trustee, s. 74 (6) (b)
- loss of document of title, s. 94
- meeting of holders of
 - accounts and balance sheet to be laid before, s. 74 (3) (c)
 - company, summoned by, on application of debenture holders, s. 74 (3) (c)
 - court, ordered by, s. 74 (9)
 - directions to trustees may be given by, s. 74 (3) (c)
- moneys held in trust until allotment, s. 49 (1)
- offer to public—*see* **Offer for Sale to Public of Shares or Debentures**
- oversubscriptions, conditions of acceptance or retention to be set out in prospectus, s. 41
- ownership, inquiry into—*see* inquiry into ownership *above*
- particulars of charges to be furnished to trustee, s. 74 (8)
- perpetual—*see* irredeemable *above*
- personal property, are, s. 90
- persons interested in, power of Minister to require information as to, s. 178
- priorities of persons entitled where re-issue of redeemed, s. 73 (2)
- priority of certain debts to, when receiver appointed or possession taken, s. 196
- profit and loss account, right of debenture holder to copy, s. 164 (2)
- proprietary company, necessity for prohibition of public invitation to subscribe for debentures—*see* **Prospectus** [tures, s. 15 (1) (c)]
- receivers—*see* **Receivers and Managers**
- redeemed, re-issue of, s. 73
 - priority of persons entitled, where, s. 73 (2)
- redemption of
 - application of share premium account in providing premium payable on, s. 60 (2) (e)
 - contingent or postponed
 - enforcing of security where, s. 74 (9)
 - validity of, s. 72
- register of holders of, s. 70
 - closed, when deemed duly, s. 70 (4)
 - copy or inspection of, right of holders and shareholders to, s. 70 (3), (5)-(7)
 - contents of, s. 70 (3)
 - particulars to be included in, s. 70 (3)
 - to be kept at registered office of company or other place in State, s. 70 (1)
 - notice to Registrar of change of place, s. 70 (2)
 - to be open for inspection by share and debenture holders, s. 70 (3), (7)
 - transfer, on, s. 95 (1)
 - personal representatives, by, s. 95 (2)-(5)
 - transferor, at request of, s. 96
 - transmission by operation of law, on s. 95

Debentures—continued

- registration of charges—*see* **Charges**
- re-issue of redeemed, s. 73
- restrictions on, imposition by Minister where investigation of ownership of company or of [shares or debentures, s. 179
- share premium account, application of, to writing off of expenses, commission, brokerage or [discount on, s. 60 (2) (e)
- simultaneous offer of shares and debentures, right of company to receive debenture applica- [tion moneys, s. 52 (4)
- single instrument, debentures given by, s. 74 (1)
- specific performance of contract to take, s. 71
- stock certificate, endorsement of registration on, s. 104
- transfer of
 - certification of instrument of, provisions regarding, s. 98
 - debentures to be issued within one month of lodging, s. 99
 - power of court where default, s. 99 (3)
 - false certification in, liability of company for, s. 98
 - personal representatives, by, s. 95 (2)-(5)
 - refusal by company of, notice to be given to transferee of, s. 97
 - registration of
 - proper instrument to be delivered to company for, s. 95 (1)
 - refusal, transferee to be given notice, s. 97
 - transferor, at request of, s. 96
 - transmission by operation of law, on, s. 95 (1)
- trust deed securing issue
 - condition that debentures irredeemable, deed not invalid, s. 72
 - covenants to be included in, s. 74 (3)
 - right of holder to copy, s. 70 (6)
 - refusal of copy, s. 70 (7)
 - to provide for appointment of trustee, s. 74 (1)
 - right to act as trustee, s. 74 (6) (c)
- trustee corporation, right to act as trustee, s. 74 (6) (c)
- trustees for holders of, ss. 74, 75
 - appointment of, s. 74 (1), (2)
 - arrangement or compromise affecting rights of debenture holders, statement of material interests of trustees to be included in notice to creditors and members, s. 182 (2), (4)-(7)
 - banking corporation, right to act, s. 74 (6) (c)
 - books, accounts and papers of company, inspection of, by, s. 74 (3) (b) (i)
 - charges, particulars of, to be given to, s. 74 (8)
 - covenants by company to be included in debentures, s. 74 (3)
 - liability where not included, s. 74 (4)
 - default in compliance with provisions regarding, s. 74 (14)
 - directions to, by meetings of holders, s. 74 (3) (c), (9)
 - disqualification for appointment without leave, s. 74 (5)-(7)
 - creditor, s. 74 (5) (c)
 - director, s. 74 (5) (a)
 - guarantor, s. 74 (5) (d)
 - related corporation, s. 74 (5) (e), (6)
 - shareholder, s. 74 (5) (b)
 - duties of, sufficiency of assets, with respect to, s. 74 (10)
 - information to be given to
 - business of company, regarding, s. 74 (3) (b)
 - charges, regarding, without demand, s. 74 (6)
 - liability of, for breach of trust, provisions for exemption or indemnification void, s. [75
 - life insurance corporation, right to act as trustee, s. 74 (6) (c)
 - meetings of holders, court may order on application of, s. 74 (9)
 - Public Trustee, appointment of, s. 74 (13)
 - trustee corporation, right to act as trustee, s. 74 (6) (c)
- validity of
 - where irredeemable or redemption contingent or postponed, s. 72
 - where particulars required to be filed on registration are not given, s. 100 (5), (6)

Debts—see also Creditors ; Winding Up

- attachment, restriction of rights of creditor on winding up, s. 298
- inability to pay
 - defined, s. 222 (2)
 - company may call meeting of creditors for purpose of placing under official manage- [ment, s. 198
 - ground for winding up by court, s. 222 (1) (e)
 - report by inspector conducting investigation, where, s. 222 (1) (g) (i)
- liability of contributory in the event of winding up, is a specialty, s. 219
- liability of past and present members to contribute to payment of, on winding up, s. 218 (1)

Debts—continued

- memorandum or articles, payable by members under, to be deemed a specialty, s. 33 (2)
- of company contracted when it does not have minimum number of members, s. 36
- past member not liable for, where contracted after he has ceased to become a member, s. 218
- priority—*see* **Priority of Debts** [(1) (b)]
- proof, of, in winding up—*see* **Winding Up**
- satisfaction of, memorandum of, Registrar-General to enter in register of charges, s. 105

Deceased Member—see **Death****Declaration, Statutory**

- outside State, s. 387
- to be lodged before commencement of business or exercise of borrowing power, s. 52 (1) (b) [(iii), (2) (c)]

Deeds

- execution on behalf of company, s. 35 (3)
- duration or authority of agent or attorney, s. 35 (4)
- official seal for use abroad, s. 35 (5)

Default, relief from liability for

- provision for, in articles, contract or otherwise, void, s. 133 (1)
- indemnity by company, in respect of successful defence to proceedings or where [court relieves, s. 133 (2)]

Default Penalties, s. 380**Definitions**

- abnormal character, items of a (directors' report on balance sheet), s. 162 (7)
- Act, the, Table A cl. 1, Table B cl. 1
- agent (of company)
 - foreign company, s. 344 (2)
 - inspection provisions, for purposes of, s. 168 (2)
 - special investigation provisions, for purposes of, s. 172 (1)
- annual general meeting, ss. 5 (1), 136 (1)
- annual return, s. 5 (1)
- appointed day, s. 397
- approved deed, s. 77
- arrangement, s. 181 (10)
- articles, s. 5 (1)
- authorized securities (investment company), s. 337 (5)
- banking corporation, s. 5 (1)
- board, s. 5 (1)
- books, s. 5 (1)
- branch register, s. 5 (1)
- calendar year, s. 5 (1)
- carrying on business (foreign company), s. 344 (2), (3)
- cash consideration (sales to or by company within two years before winding up), s. 295 (4)
- certification (of instrument of transfer), s. 98 (4) (b)
- certified, s. 5 (1)
- charge, s. 5 (1)
- commencement of this Act s. 5 (1)
- company, s. 5 (1)
 - arrangements and reconstruction provisions, for purposes of, s. 181 (10)
 - provisions relating to interests other than shares and debentures, s. 76 (1)
 - provisions relating to non-application of rule against perpetuities to employees' [benefit schemes, s. 386]
- company having a share capital, s. 5 (1)
- company limited by guarantee, s. 5 (1)
- company limited by shares, s. 5 (1)
- contributory, s. 5 (1)
- co-operative company, s. 5 (1)
- corporation, s. 5 (1)
- court, s. 5 (1)
- creditors' voluntary winding up, s. 5 (1)
- debenture, s. 5 (1)
 - for purposes of provision restricting borrowing by investment company, s. 335 (3)
- default penalty, ss. 5 (1), 380 (1)
- director, s. 5 (1)
- dissenting shareholder (scheme or contract involving transfer of shares), s. 185 (9)
- dividend (payment from profits), s. 376 (5)
- document, s. 5 (1)
- emoluments, s. 5 (1)
- employee (non-application of rule against perpetuities to benefit schemes), s. 386
- exempt proprietary company, s. 5 (1), (7), (8)
- expert, s. 5 (1)
- filed, s. 5 (1)

Definitions—continued

- financial year, s. 5 (1)
 - prospectus, 5 Sch. III, 30
 - provisions relating to interests in company other than shares or debentures, s. 76 (1)
 - statement in lieu of prospectus, 6 Sch. III, 3
- foreign company, s. 5 (1)
- fund or scheme (employees' benefit), s. 386 (2)
- goods (restriction on execution and attachment after winding up), s. 297
- holding company, s. 6
- inability to pay debts, s. 222 (2)
- included in a prospectus or statement in lieu of prospectus, s. 5 (4)
- interest (in company other than shares or debentures), s. 76 (1)
- investment company, s. 334 (1)
- investment contract, s. 76 (1)
- invitation to purchase shares or debentures, s. 5 (5)
- items of an abnormal character (directors' report on balance sheet), s. 162 (7)
- liabilities (reconstruction and amalgamation provisions), s. 183 (5)
- limited company, s. 5 (1)
- lodged, s. 5 (1)
- management company, s. 76 (1)
- manager, s. 5 (1)
- marketable securities, s. 5 (1)
- members' voluntary winding up, s. 5 (1)
- memorandum, s. 5 (1)
- minimum subscription, ss. 5 (1), 48 (2)
- mining company, s. 5 (1)
- mining purposes, s. 5 (1)
- net tangible assets (investment companies), s. 334 (1)
- no-liability company, s. 5 (1)
- non-authorized securities (investment companies), s. 337 (5)
- offeree corporation (take-over offers), s. 184 (1)
- offeror corporation (take-over offers), s. 184 (1)
- offer to the public (shares or debentures), s. 5 (6)
- officer, s. 5 (1)
 - for purposes of annual return, s. 132 (b)
 - for purposes of investigation, s. 168 (1)
 - for purposes of special investigation, s. 172 (1)
- officer who is in default, s. 38 (3)
- official liquidator, s. 5 (1)
- official manager, s. 5 (1)
- Part, s. 5 (1)
- person in accordance with whose instructions the directors are accustomed to act, s. 5 (2)
- prescribed, s. 5 (1)
- prescribed corporation (non-applicability of provisions regarding invitations to deposit)
- prescribed private company, s. 397
- prescribed proprietary company, s. 397
- principal register, ss. 5 (1), 151 [money], s. 38 (5)
- printed, s. 5 (1)
- proclaimed State (provisions relating to interests in contracts other than shares or debentures), s. 76 (1)
- profit and loss account, s. 5 (1)
- promoter, s. 5 (1)
- property (reconstruction and amalgamation provisions), s. 183 (5)
- proprietary company, s. 5 (1)
- prospectus, ss. 5 (1), 39, 43 (1)
- public company, s. 5 (1)
- private company, s. 5 (1)
- registered, s. 5 (1)
- registered company auditor, s. 5 (1)
- registered liquidator, s. 5 (1)
- Registrar, s. 5 (1)
- regulations, s. 5 (1)
- related corporation, s. 6 (5)
- repealed Act, s. 5 (1)
- resolution for voluntary winding up, ss. 5 (1), 254 (1)
- rules, s. 5 (1)
- schedule, s. 5 (1)
- section, s. 5 (1)
- share, s. 5 (1)
- share premium account, s. 60 (1)
- sheriff (restriction on execution and attachment after winding up), s. 297
- signing (of instrument of transfer), s. 98 (4) (c)
- special notice, s. 145
- special resolution, s. 144 (1)
 - for purposes of provisions relating to official management, s. 215
- State, s. 5 (1)

Definitions—continued

- statutory meeting, ss. 5 (1), 135 (1)
- statutory report, ss. 5 (1), 135 (2)
- subsidiary corporation, s. 6
- Table A, s. 5 (1)
- Table B, s. 5 (1)
- take-over offer, s. 184 (1)
- take-over scheme, s. 184 (1)
- this Act, s. 5 (1)
- transfer, of shares or debentures, when instrument of deemed certificated, s. 98 (4) (a)
 - when certification of transfer instrument deemed to be made by company, s. 98 (4) (b)
 - deemed signed, s. 98 (4) (c)
- unit, s. 5 (1)
- unlimited company, s. 5 (1)
- unregistered company (winding up), s. 314 (1)
- untrue (statement), s. 5 (3)
- value (sales to or by company within two years before winding up), s. 295 (4)

Defunct Company, ss. 307-313—see also Dissolution

- accounts, s. 313
- assets
 - sale or disposal by Registrar, s. 311
 - to be subject to charges and claims, s. 312
 - vesting in Registrar, s. 310
- power of Registrar to strike off register, s. 308
 - appeal to court against striking off, s. 308 (5)
- records and accounts, s. 313
- Registrar
 - remuneration, s. 311 (3)
 - signature of documents, s. 309 (2)
 - to act as representative in certain events, s. 309
- restoration to register, s. 308 (5)
- unregistered, outstanding assets after dissolution—see **Unregistered Companies**

Deposit, mortgage of shares by, s. 385**Deposit of Money**

- invitation to deposit deemed invitation to purchase debentures, s. 5 (5)
- prohibition of invitation to public without issue of debenture, s. 38
 - exemption of certain corporations, s. 38 (4), (5)
- proprietary company, invitation to public to deposit for fixed periods or payable at call
 - prohibited, s. 15 (1) (d)

Deputy Master

- jurisdiction of, s. 5 (1)

Deputy Registrar, s. 7**Directors—see also Officers of Company**

- defined, s. 5 (1)
- person in accordance with whose directions or instructions directors are accustomed to act defined, s. 5 (2)
- absence for six months, office may be vacated, Table A cl. 72 (f), Table B cl. 55 (f)
- accounts
 - duties in respect of—see **Accounts**
 - inspection, right of, s. 163 (3), (4)
 - by auditor for, s. 163 (5)
- acting unfairly to members as ground for winding up, s. 222 (1) (f)
 - powers of court, s. 225 (3)
- acts of, validity of, defect in appointment or qualification, where, s. 119
- advertisement of persons as, in prospectus or statement in lieu thereof, restrictions on, s. 115 (1)
- age limit for, s. 121
- allotment, irregular, liability for, ss. 48 (4), 50
 - limitation of, s. 48 (6)
- alternate, appointment of, s. 130 (2)
- annual return, duties in relation to—see **Annual Return**
- appointment of, ss. 115-118, Table A cl. 63-72, Table B cl. 46-55
 - ballot or poll, by, s. 118 (6)
 - defect in, validity of acts where, s. 119, Table A cl. 89, Table B cl. 72
 - first, to be by subscribers, Table A cl. 63, Table B cl. 46
 - qualifications for, ss. 114-116
 - restrictions on, s. 115 (1)
 - non-application of, in what circumstances, s. 115 (3)
 - two or more, by single resolution, provisions regarding, s. 118
 - non-application of, where election by ballot or poll, s. 118 (6)
 - voting on, to be on individuals, s. 118

Directors—continued

- arrangement or compromise, duty of, in, ss. 181 (7), 182
- material interests in, regarding, s. 182 (1)
- articles, provisions relating to—*see* **Table A ; Table B**
- assignment of office by, approval by company required, s. 130 (1)
- associate, appointment of and powers of, Table A cl. 94, Table B cl. 77
- auditors
 - casual vacancy in, may be filled by, s. 165 (3)
 - first, may be appointed by, s. 165 (1)
 - removal of, s. 165 (4)
- balance sheet, duties in relation to—*see* **Balance Sheet**
- bankruptcy
 - undischarged bankrupt not to act as director without leave of court, s. 117
 - vacation of office, Table A cl. 72, Table B cl. 55
- calls, power to make, Table A cl. 13, Table B cl. 9
- change in, notification to be filed of, s. 134 (6)
- civil liability of, prospectus, for misstatements in, s. 46
 - exemptions, s. 46 (3), (5)
 - indemnity to non-consenting director, s. 46 (6)
- committees, delegation of powers to, Table A cll. 86-89, Table B cll. 69-72
- compensation to
 - for loss of office or retirement, legality of, provisions regarding, s. 129
 - general law not affected by statutory provisions, s. 129 (6)
 - in respect of termination of appointment, where removal by resolution s. 120 (7)
 - payments excluded from provisions, s. 129 (5)
 - payments to, for transfer of undertaking or property of company, legality of, provisions
 - trust for company, when held on, s. 129 (1) [regarding, s. 129]
 - trust for vendor shareholders, when held on, s. 129 (3)
- conflicting duties or interests—*see also* contract with company *below*
 - through holding of office or possession of property, declaration required, s. 123 (5)
 - general law or articles not affected by statutory provisions, s. 123 (8)
 - secretary to record, s. 123 (7)
 - time for, s. 123 (6)
- consent to act as, to be signed and filed, s. 115 (1)
 - non-application of provisions in what circumstances, s. 115 (3)
- contract with company, having interest in, s. 123
 - cases in which director not deemed interested, s. 123 (3)
 - contract for benefit of related company, s. 123 (3) (b)
 - guarantee of loan, s. 123 (3) (a)
 - declaration necessary, s. 123 (1)
 - general notice of membership of specified company or firm sufficient, s. 123 (4)
 - not where interest not material, s. 123 (2)
 - secretary to record, s. 123 (7)
 - time for making, s. 123 (6)
 - statutory provisions not to derogate from general law or articles, s. 123 (8)
 - vacation of office, Table A cl. 72 (h), Table B cl. 55 (h)
- conviction of certain offences, disqualification from office without leave of court, s. 121
- defect in appointment, effect of acts done, s. 119, Table A cl. 89, Table B cl. 72
- disclosures, matters which must be disclosed by directors, ss. 123, 127, 131
 - emoluments, s. 131
 - holding of office or possession of property whereby conflict of duties may be created, information for inclusion in register of directors, ss. 127, 134 [s. 123 (5)]
 - interests in contracts with company, s. 123
 - share and debenture holdings, ss. 126, 127
 - take-over offers, in respect of, ss. 127, 184, 10 Sch.
- disqualification of, ss. 115-117—*see also* qualification shares *below*
 - bankruptcy, 117
 - conviction of certain offences, s. 121
- dividends
 - may recommend, Table A cl. 100, Table B cl. 84
 - not paid out of profits, liability for, s. 376
 - reserves out of profits may be set aside by, Table A cl. 100, Table B cl. 84
- duties and liabilities, s. 124—*see also* liability *below* and **Table A ; Table B**
 - conflicting duties—*see* conflicting duties or interests ; contract with company *above*
 - general law not affected by provisions regarding, s. 124 (4)
 - liability for breach, s. 124 (3)
 - not to use information for purpose of gain or to cause detriment to company, s. 124 (2)
 - person convicted of breach not to act in management of company without leave of to act honestly and use reasonable diligence, s. 124 (1) [court, s. 122]
 - to make prescribed disclosures, s. 127
 - winding up, in—*see* winding up *below*

Directors—continued

- emoluments
 - remuneration
 - articles relating to, Table A cl. 70, Table B cl. 53
 - to be stated in profit and loss account, 9 Sch. I (1)
 - salaries of full-time directors need not be shown, 9 Sch. I (1)
 - prohibition of tax-fee payments, s. 128
 - retention by company of expenses incurred by requisitionists of meeting where
 - [default by directors, s. 137 (4)]
 - right of members or shareholders to require disclosure, s. 131
 - default in compliance, s. 131 (2)
- exemption from liability for negligence, default, breach of duty or breach of trust, provisions
 - [void, s. 133 (1)]
- indemnity for liability in defending proceedings where director successful, s. 133 (2),
 - [Table A cl. 113, Table B c. 96]
- extraordinary general meeting, company, of, to be convened by,
 - on requisition of members, s. 137 (1)
 - failure by directors to convene, s. 137 (3), (4)
- financing by company of purchase of shares in company by or for prohibited, s. 67 (2)
- foreign company
 - alteration of directors, to be lodged with Registrar, s. 347 (1) (b)
 - list of directors to be lodged, s. 346 (1) (c)
- forfeiture of shares of member
 - may serve notice, Table A cl. 28
 - power of, Table A cl. 30
 - sale or disposition, Table A cl. 31
 - power to make statutory declaration as proof of, Table A cl. 33
- fraudulent persons may be restrained from being, without leave of court, s. 122 (1) (b)
- guarantee of loans to—*see* loans *below*
- income tax, prohibition of provisions relieving directors from liability to, s. 128
- increase or decrease in number, Table A cl. 67, Table B cl. 50
- indemnification against liability for negligence, default, breach of duty or breach of trust,
 - [provisions void, s. 133 (1)]
 - indemnity against liability in defending proceedings where a director successful, s. 133
 - [(2), Table A cl. 113, Table B cl. 96]
- inspection of accounts by, s. 161 (3), (4)
 - by auditor for, s. 161 (5)
- inspection of affairs of company, position in relation to—*see* **Inspection (Investigations)** ;
 - Inspectors**
- interests, conflicting—*see* conflicting duties or interests ; contract with company *above*
- investigation of affairs of company, position in relation to—*see* **Inspection (Investigations)** ;
 - Inspectors**
- liability of—*see also* duties and liabilities *above*
 - application moneys, repayment of, s. 44 (2), (4)
 - dividends paid out of what is not profits, s. 376
 - failure to hold moneys in trust until allotment of shares or debentures, s. 49
 - failure to observe provisions regarding restriction on offer, etc., of certain interests in prospectus, for misstatements in, s. 46
 - [business, penalties for, s. 86 (1)]
 - indemnity to non-consenting director, s. 46 (6)
 - relief from, articles, contract or otherwise, by, void, s. 133
 - statement in lieu of prospectus, with respect to misstatements, s. 51 (3)
 - saving of, s. 51 (3)
 - unlimited—*see* winding up *below*
- list of persons who have consented to be directors to be lodged with memorandum, s. 115 (4)
- loans to, or guarantee of or provision of security for loans to, or to directors of related
 - [companies, s. 125
 - guarantee or security, acceptance of, from proprietary company, s. 125 (1), (6), (7),
 - [(8)]
 - indemnification of company where required approval not given, s. 125 (3)
 - liability of director for contravention of provisions, s. 125 (4)
 - prohibition of, s. 125 (1)
 - exceptions, s. 125 (1), (2)
 - recovery by company of loan, s. 125 (5)
- loss of office, compensation for—*see* compensation *above*
- managing director, appointment of, Table A cl. 91, Table B cl. 74
 - delegation of powers to, Table A cl. 93, Table B cl. 76
 - remuneration of, Table A cl. 92, Table B c. 75

Directors—continued

meetings

- adjourned, date of resolutions passed at, s. 147
- articles, provisions relating to—*see* **Table A ; Table B**
- company, of
 - application to court to order, s. 142
 - to be convened on requisition of members, s. 137 (1)
- minutes to be kept, s. 148 (1) (a)
 - evidence, as, s. 148 (2)
 - signed by chairman, to be, s. 148 (1) (b)

naming of persons as, in prospectus or statement in lieu thereof, restrictions on, s. 115 (1)

natural persons must be included among directors, s. 114 (2)

notice to company of matters which must be disclosed, s. 127

form of notice, s. 127 (2)

number of

proprietary company

one at least, s. 114 (1)

one at least to be natural person normally residing in Australia, s. 114 (2)

three at least, s. 114 (1)

proprietary company, except in, s. 114 (1)

two at least natural persons normally residing in Australia, s. 114 (2)

office

assignment of, approval of company required, s. 130 (1)

compensation for loss of—*see* compensation *above*

officers of company—*see* **Officers of Company**

particulars of, filing of—*see* return *below*

payments to—*see also* emoluments *above*

as compensation for loss of office or retirement, or in connection with transfer of

undertaking or property of company, legality of, provisions regarding, s. 129

excess price to director for his shares, s. 129 (4)

general law not affected, s. 129 (6)

payments excluded from provisions, s. 129 (5)

payments in connection with transfer of shares in company, notice to be given

default in compliance, s. 129 (2) to shareholders, s. 129 (2)

prohibition of tax-free payments, s. 123

powers and duties under regulations—*see* **Table A ; Table B**

proceedings of, regulations relating to—*see* **Table A ; Table B**

profit and loss account, duties in respect of—*see* **Accounts**

profits may be carried forward by, **Table A cl. 101, Table B cl. 84**

proprietary company

one at least, s. 114 (1)

one at least to be natural person normally residing in Australia, s. 114 (2)

restrictions on appointment, non-application of provisions regarding, s. 115 (3) (b)

sole director of, not to be or act as secretary, s. 132 (2)

prospectus, liability with respect to—*see* civil liability *above*

public examination, power of court to order, in winding up, s. 250

qualification—*see also* appointment ; disqualification *above*

defect in, validity of acts where, s. 119

qualification shares of, ss. 115, 116, **Table A cll. 71, 82, 94, Table B cl. 54, 65, 77**

default in obtaining or holding, vacating of office, s. 116 (3)

register of—*see* register of directors' shareholdings *below*

requirements as to taking of, ss. 115 (1) (b) 116

non-application of provisions in what circumstances, s. 115 (3)

solely, to be held, s. 116 (2)

time to be obtained in, s. 116 (1)

receiver, duty to submit statement of affairs of company to, s. 194 (2)

register of, s. 134

certificate of Registrar, effect as evidence, s. 134 (8)

default in compliance with provisions, s. 134 (7)

inspection of, s. 134 (5)

particulars to be contained in, s. 134 (2)

where director of more than one company in group, s. 134 (3)

registered office, to be kept at, s. 134 (1)

return of, to be filed, s. 134 (6)

register of directors' shareholdings and debenture holdings to be kept by company, s. 126

circumstances in which director deemed to have interest in shares, s. 126 (10)

company not put on inquiry as to nature of rights in shares or debentures, s. 126 (5)

consideration to be shown, s. 126 (2)

copy may be required by Minister, s. 126 (7)

date of transaction to be shown, s. 126 (2)

liability for default, s. 126 (3), (9)

nature and extent of interest may be shown, s. 126 (4)

Directors—continued

- register of directors' shareholdings, etc.—*continued*
 - options to be registered, s. 126 (11)
 - to be kept at registered office and to be open to inspection, s. 126 (6)
 - liability for default, s. 126 (9)
 - to be produced at annual general meeting, s. 126 (8)
 - liability for default, s. 126 (9)
- relief from liability of, provisions for, in articles, contract or otherwise, void, s. 123
- removal of, by company, s. 120, Table A cl. 69, Table B cl. 52
 - by resolution or request of directors, may not be, s. 121
 - compensation or damages in respect of termination of appointment, s. 120 (7)
 - filling of vacancy, s. 120 (5)
 - power regarding, s. 120 (1), Table A cl. 69, Table B cl. 52
 - representations by director to company, s. 120 (3)
 - notification to members of company, or reading out at meeting, s. 120 (3)
 - not necessary where court satisfied that rights being abused to secure [needless publicity for defamatory matter, s. 120 (4)
 - special notice of resolution required, s. 120 (2)
 - substitute director, term of appointment, s. 120 (6)
- remuneration—*see emoluments above*
- report of—*see also statutory report below*
 - balance sheet, to be attached to, s. 162 (5)
 - offences regarding, s. 163
 - what information to be included in, s. 162 (5)
- residing normally in Australia
 - at least two shall be, s. 114 (2)
 - proprietary company, at least one shall be, s. 114 (2)
- resolution for removal of, s. 120 (1)
 - special notice of, s. 120 (2)
- resolutions of
 - adjourned meetings, at, date of, s. 147
 - when valid as if passed at a meeting, Table A cl. 90, Table B cl. 73
- restraint from acting as, power of court, s. 122
- restrictions on appointment of advertisement of, s. 115
- retirement of
 - at annual general meetings, Table A cl. 64, Table B cl. 46
 - election to fill office vacated, Table A cl. 66, Table B cl. 47
 - compensation for, legality of provisions regarding—*see compensation above*
- return, annual, duties in relation to—*see Annual Return*
- return of particulars regarding, to be filed, s. 134 (6)
 - exemption of charitable companies, s. 24 (4)
- salary—*see emoluments above*
- seal, use of, Table A cl. 96, Table B cl. 79
- secretary
 - appointment of, s. 132, Table A cl. 95, Table B cl. 78
 - sole director of proprietary company shall not be or act as, s. 132 (2)
 - to be appointed by, s. 132 (3)
 - where thing to be done to or by director and, provision not satisfied by same person acting as both, s. 132 (5)
- security for loans to—*see loans above*
- shares of—*see also qualification shares; register of directors' shareholdings above*
 - necessity to pay proper proportion of amount payable on, before commencement of [business or borrowing by company, s. 52 (1) (b) (ii), (2) (b)
 - price obtained for, by, in excess of what other holders could obtain on transfer of shares in company, deemed compensation for loss of office or retirement, s. 129 (4)
 - qualification—*see qualification shares above*
- shares, registration of transfer of, powers under articles, Table A cll. 21-23, Table B cll. [13-14
- special investigations, position in relation to—*see Inspection (Investigations); Inspectors*
- statement in lieu of prospectus
 - liability with respect to misstatements, s. 51 (3)
 - savings of, s. 51 (3)
- statutory meeting, list of members to be displayed at, s. 135 (6)
- statutory report
 - to be filed by, s. 135 (5)
 - to be sent to members by, s. 135 (2)
- substitute, appointment of, s. 130 (2)
- tax-free payments to directors prohibited, s. 128
- trustee for debenture holders, disqualification from appointment as, s. 74 (5)
- undischarged bankrupt—*see bankruptcy above*
- unlimited liability—*see winding up below*

Directors—continued

- vacancy, where created by removal of, may be filled as casual vacancy, s. 120 (5)
- vacation of office, Table A cl. 72, Table B cl. 55—*see also* retirement; removal *above*
 - default in obtaining or holding qualification shares, s. 116 (3)
 - seventy-two, on attaining, s. 121 (2), (4), (6), (7)
- validity of acts of, defect in qualification or appointment, where, s. 119
- winding up
 - acting unfairly to members as ground for, s. 222 (1) (f)
 - powers of court, s. 225 (3)
 - by the court
 - public examination, power of court to order, s. 250
 - submission of statement of company's affairs to liquidator, s. 234 (2)
 - sales to or by company, director interested in, liquidator's right to recover, s. 295
 - unlimited, director whose liability is, contribution by, s. 218 (2), (3)
 - may be allowed set-off on claim by company, s. 245 (2) (a)
 - voluntary
 - creditors'
 - application for appointment as liquidator of person nominated by [company, s. 261 (2)
 - director to attend meeting and may be appointed chairman, s. 260 (5), [(6)
 - powers cease on appointment of liquidator unless continuance approved, [s. 261 (4)
 - statement of company's affairs to be laid before meeting, s. 260 (4)
 - declaration of solvency, duty to make, s. 257
 - members' directors' powers cease on appointment of liquidator unless continuance approved, s. 258 (2)

Discount

- debentures, with respect to—*see* **Debentures**
- share premium account, application of, to writing off of, s. 60 (2) (d) (ii)
- shares, with respect to—*see* **Shares**

Discovery

- in aid of execution of judgment, s. 390

Dissenting Shareholders—see Arrangements and Reconstructions**Dissolution, ss. 307-313—see also Defunct Company; Winding Up; Winding Up by the Court; [Winding Up, Voluntary**

- accounts and records to be kept by Registrar, s. 313
- amalgamation, power of court to order on application for approval of, s. 183 (1) (d)
- company not carrying on business may be struck off register, s. 308
- court may declare void, s. 307 (1)
 - order to be filed with Registrar within seven days, s. 307 (2)
- documents, Registrar may sign after, s. 309 (2)
- outstanding assets, vesting in Registrar, s. 310
 - sale or disposal by Registrar, s. 311
 - to be subject to charges and claims, s. 312
 - unregistered company—*see* **Unregistered Companies**
- reconstruction, power of court to order on application for approval of, s. 183 (1) (d)
- Registrar to act as representative after dissolution in certain events, s. 309
- voluntary winding up, final meeting and dissolution, s. 272
- winding up by the court, release of liquidators and dissolution, ss. 239, 240
- without winding up, on approval of amalgamation or reconstruction, s. 183 (1) (d)

Dividends

- articles relating to
 - address to which payment made, Table A cl. 105, Table B cl. 87
 - calls, amount unpaid may be deducted from dividend, Table A cl. 103
 - cheque or warrant, may be paid by, Table A cl. 105, Table B cl. 87
 - date from which shares to rank, Table A cl. 102, Table B cl. 85
 - declaration and payment
 - manner of, Table A cl. 102, Table B cl. 85
 - shares with special rights, Table A cl. 102, Table B cl. 85
 - declaration of
 - in general meeting, Table A cl. 98, Table B cl. 81
 - not to exceed recommendation of directors, Table A cl. 98, Table B cl. 81
 - interest, not to bear against company, Table A cl. 100, Table B cl. 83
 - interim dividends, Table A cl. 99, Table B cl. 82
 - joint holders, manner of payment to, Table A cl. 105, Table B cl. 87

Dividends—continuedarticles relating to—*continued*

- profits
 - may be carried forward, Table A cl. 101, Table B cl. 84
 - to be paid out of only, Table A cl. 100, Table B cl. 83
 - reserves may be set aside, Table A cl. 101, Table B cl. 84
 - specific assets, general meeting may direct payment by distribution of, Table A cl. 104, [Table B cl. 86]
- cumulative, allotment of preference shares prohibited unless preference share-holder's rights [to, set out in memorandum or articles, s. 66 (1)]
- no-liability company
 - no right to dividend where call due and unpaid, s. 320
 - payable irrespective of amount paid up, s. 321
- payment of
 - allotment of preference shares prohibited unless preference shareholders' priority [in, set out in memorandum or articles, s. 66 (1)]
 - by issue of shares, s. 60 (2)
- preference shareholders, allotment of preference shares prohibited unless holder's rights or [priority of payment in, stated in memorandum or articles, s. 66 (1)]
- profits, to be paid out of, s. 376, Table A cl. 100, Table B cl. 83
 - share premium account, application to issue of shares as dividends, s. 60
- proportionate to amounts paid on shares may be paid, s. 55 (1) (c)
- share premium account, application of, to issue of shares as, s. 60 (2) (c)

Documents—see also, as to documents to be filed with Registrar, Appendix B to this index
defined, s. 5 (1)

- authentication of, need not be by seal but may be by signature of authorized officer, s. 35 (2)
- books and, to be produced to inspectors in investigation of company affairs, s. 171 (2)
- books, inclusion of documents in definition of, s. 5 (1)
- charges created by—*see Charges*
- execution of, in case of defunct company, s. 309 (2)
- false statement in, liability for, s. 375 (2)
- foreign company, of alteration in, particulars to be lodged, s. 347 (1)
- inspection, to be available at registered office for, s. 370 (1)
 - court may compel compliance, s. 373
 - right to make copies or take extracts, s. 370 (2)
- name of company to appear legibly in, s. 113
- official manager, to state appointment of, s. 212
- receiver and manager, to state appointment of, s. 192
- registration of, s. 12
 - destruction of old records, s. 12 (7)
 - evidentiary value of copies certified by Registrar, s. 12 (3)
 - power to make regulations, s. 385
 - Registrar's right to refuse to register, s. 12 (5)
 - appeal from refusal, s. 12 (6)
 - right to inspect register, s. 12 (2)
- relodging if lost or destroyed, s. 13
 - court's power to hear appeal from Registrar directing registration of copy, s. 13 (5)
- service of, upon a company, s. 362
- translation to be lodged where instrument not in English, s. 371

Donations for Charitable or Patriotic Purposes, implied power to make, s. 19 (a)**Duties**

- auditors, of—*see Auditors*
- directors, of—*see Directors*
- liquidators, of—*see Liquidators*
- managers, of—*see Managers*
- officers, of—*see Officers of Company*
- receivers, of—*see Receivers and Managers*
- secretary, of—*see Secretary*

Emoluments*defined*, s. 5 (1)**Employees—see also Officers of Company***defined*, for purpose of provision for non-application of rule against perpetuities to benefit [schemes, s. 386]

- employees' benefit funds or schemes
 - implied power of company to establish and support, 3 Sch. 7
 - provision by company of money for purchase of shares by trustees, s. 67 (2) (b)
 - rule against perpetuities does not apply to, s. 386
- priority of wages or salary in winding up, s. 292 (1) (b)
- shares in company, purchase of, financing by company of, s. 67 (2)

Enforcement

Act, of, ss. 362-373—*and see* **Offences**

- certificate of incorporation conclusive evidence, s. 372
- costs of proceedings to be at discretion of court, s. 363 (2)
- disposal of shares where whereabouts of shareholder unknown, s. 364
- foreign language, documents in, to be translated, s. 371
- form of registers, indexes, minute books and books, s. 369
- inspection of register or documents and supplying of copy may be compelled by court, [s. 373]
- irregularities in proceedings, s. 366
- legal practitioner not required to disclose to inspector privileged communications, production and inspection of books where offence by officer suspected, s. 368 [s. 367]
- relief from liability for negligence, default, breach of duty or trust, s. 365
- security for costs, s. 363 (1)
- service of documents on company, s. 362
- duty of receiver, of, s. 197
- security for debentures, where irredeemable or redemption contingent or postponed, s. 74 (11)

English Language

- accounting and other records to be kept in, s. 161 (1)
- foreign documents to be translated, s. 371

Evidence

- allegations in complaint on information, effect of, s. 382 (4)
- articles relating to
 - proof of forfeiture of shares by statutory declaration, Table A cl. 33
 - proof that resolution carried, Table A cl. 51, Table B cl. 34
 - transfer of shares, Table A cl. 21, Table B cl. 13
 - transmission of shares on death or bankruptcy, Table A cl. 27, Table B cl. 18
- certificate of corporation is *prima facie* evidence of appointment of representative to attend [meeting, s. 140 (5)]
- certificate of entitlement to commence business is conclusive evidence, s. 52 (3)
- certificate of entitlement to shares is *prima facie* evidence, s. 92 (1)
- certificate of incorporation is conclusive evidence, s. 372
- certificate of registration of alteration of memorandum is conclusive evidence, s. 21 (3)
- certificate that person appears in filed return as director, manager or secretary is *prima facie*
- certification of transfer of shares is *prima facie* evidence, s. 98 (1) [evidence, s. 134 (9)]
- company being wound up, books and papers to be *prima facie* evidence, s. 284 (1)
- compliance with statutory requirements, Registrar's certificate is *prima facie* evidence, [s. 12 (4)]
- consent of Minister to proceedings, s. 382 (5)
- copies and extracts certified by Registrar admissible, s. 12 (3)
- foreign company
 - branch register is *prima facie* evidence, s. 359
 - certificate is *prima facie* evidence of share holding, s. 360
 - certificates of registration is *prima facie* evidence, s. 346 (6)
- inspector, privileged communication not to be disclosed to, s. 367
- judicial notice of signature of Registrar and Deputy Registrar, s. 7
- letters of administration, proof of grant of, s. 95 (5)
- minute is evidence of proceedings at meetings, s. 143 (2)
- order against contributory to pay, conclusive evidence that moneys due, s. 245 (6)
- privileged communication to solicitor, not to be disclosed to inspector, s. 367
- probate, proof of grant of, s. 95 (5)
- production and inspection of books where offence by officer suspected, s. 368
- proof that allotment made with view to shares or debentures being offered to public, s. 43 (2)
- register of members is *prima facie* evidence, s. 151 (4)
- special resolution, declaration by chairman of carriage conclusive evidence unless poll
- winding up proceedings, in, commission for receiving, s. 290 [demanded, s. 144 (3)]
- powers of commissioner, s. 290 (2)
- taking of evidence to be in open court, s. 290 (3)

Examination—see also Inspection (Investigations)

- of persons connected with company, s. 249
 - apprehension where refusal to attend, s. 249 (5)
 - before whom held, s. 249 (4)
 - legal advisers, right to employ, s. 249 (5)
 - powers of court, s. 249 (2)
 - production of books may be required, s. 249 (3)
 - requirement to sign answers in writing, s. 249 (2)
 - summons, any person who can inform as to formation, trade dealings or property of public, s. 250 [company may be summoned, s. 249 (1)]
 - powers and duties on hearing, s. 250 (2)-(8)
 - power to order, where fraud is reported by liquidator, s. 250 (1)

Execution, effect of winding up—*see* **Winding Up ; Winding Up by the Court**

Execution of Deeds, s. 35 (3), (4)

Executors and Administrators

liability as contributories on winding up, s. 220 (1)
 registration as shareholder and limitation of liability, ss. 95 (1), 156 (1), (2)
 transfer of shares, debentures and other interests, s. 95 (2)-(5)

Exempt Proprietary Company

defined, s. 5 (1), (7), (8)
 annual return, 8 Sch. II
 auditor
 appointment at annual general meeting, necessity for, s. 165 (10)
 qualification, s. 9 (1) (c)

Expert

defined s. 5 (1)
 prospectus including statement by
 date and whether prepared for incorporation in prospectus to be stated, s. 39 (1) (g)
 extent of liability for misstatements, ss. 46 (2), (6), 47 (2)
 statement of consent to appear in prospectus, s. 45 (1) (b)
 written consent to be given, s. 45 (1) (a)
 copy to be kept at registered office, s. 42 (4)
 copy to be registered, s. 42 (2) (c)

Extraordinary General Meeting—*see* **Meetings**

Extraordinary Resolution—*see* **Resolutions**

False Statement, Liability for, s. 375

capital, as to, s. 375 (1)
 return, report, certificate, balance sheet or other document, in, s. 375 (2)

Fees

auditors, fees and expenses of—*see* **Auditors**
 payable to Registrar, s. 7 (11)
 foreign company, by, Sch. 18, 19
 share transfer or registration office established but business not otherwise
 regulations, power to make, s. 396 (1) (c) carried on, s. 349
 table, 2 Sch.
 where shares issued after redemption of preference shares, s. 61 (6)

Financial Year—*see* **Definitions**

Floating Charge

effect of winding up on, s. 294
 payment of certain debts out of assets subject to, s. 196
 registration, necessity for, s. 100 (3) (d)

Foreign Company, ss. 344-361

defined, s. 5 (1)
agent defined, s. 344 (2)
carrying on business defined, s. 344 (2), (3)
 agent
defined, s. 344 (2)
 appointment, s. 346 (1) (e)
 cessation of authority, s. 346 (6), (7)
 obligation of company to appoint agent, s. 346 (8)
 extent of liability, s. 346 (5)
 obligation to lodge notice of liquidation or dissolution, s. 352 (2) (a)
 statutory declaration to be lodged by, s. 346 (1) (e)
 alteration in particulars to be lodged, s. 347 (1)
 application of provisions only to companies having place of business or carrying on business
 [in State, s. 344
 balance sheet required to be lodged at least annually, s. 348
 exemptions from requirements, s. 348 (5)
 form and contents, s. 348 (1), (2), (3)
 billheads and letter paper
 liability limited to be stated in, s. 350 (c) (i)
 particulars to be stated in, s. 350 (b)
 branch register, ss. 354-360
 application of provisions regarding inspection and rectification of registers, s. 157 (8)
 certificate of share holding in, s. 360
 index of members, ss. 151, 357
 inspection and closing, ss. 153, 357

Foreign Company—continuedbranch register—*continued*

- obligation to keep in State, s. 354
 - exemptions, s. 354 (4), (8)
 - liability for non-compliance, s. 354 (3)
 - manner of keeping, s. 354 (5)
 - notice to be given to Registrar of opening, s. 354 (6)
 - change or discontinuance of register, s. 354 (7)
 - place of keeping, ss. 152, 357
 - prima facie* evidence, to be, s. 359
 - rectification, ss. 155, 358
 - registration of shares in, s. 355
 - removal of shares from, s. 356
 - transfer of shares, ss. 95-97, 99, 358
- capital, increase of, to be lodged, s. 347 (2)
- certificate of incorporation to be lodged within one month, s. 346 (1) (a)
- certificate of share holding *prima facie* evidence, s. 360
- certificate to be issued by Registrar, s. 346 (9)
 - effect as evidence, s. 346 (9)
- cesser of business in State
 - notice to be lodged, s. 352 (1)
 - striking off register, s. 352 (6)
- charges on property within State, registration of, s. 110
- directors
 - alteration of, to be lodged, s. 347 (1) (b)
 - change in powers of local directors to be lodged, s. 347 (1) (g)
 - list of, to be lodged, s. 346 (1) (c)
- dissolution
 - notice to be lodged, s. 352 (2) (a)
 - removal of name from register, s. 352 (5)
- documents to be lodged by, s. 346
 - alteration, return to be lodged, s. 347
- fees payable to Registrar, 2 Sch. 18, 19
 - share transfer or registration office established but business not otherwise carried on, [s. 349]
- land, power to hold, s. 345
- liability limited to be exhibited and stated, s. 350 (c) (i)
- liquidation, s. 352—*see also* **Unregistered Companies**
 - application of provisions relating to winding up of unregistered companies, s. 314 (1)
 - may be wound up notwithstanding winding up or dissolution under laws of place of
 - contributories, s. 316 (1) (b) [incorporation, s. 315 (3)]
 - notice to be lodged, s. 352 (2) (a)
 - powers and functions of liquidator appointed for State, s. 352 (3), (4)
 - powers and functions of liquidator in place of incorporation, s. 352 (2) (b)
- memorandum and articles to be lodged, s. 346 (1) (b)
 - alteration to be lodged, s. 347 (1) (a)
- name
 - and place of incorporation
 - to be exhibited at registered office and where business carried on s. 350 (a)
 - to be stated in billheads and notices, etc., s. 350 (b)
 - alteration to be lodged, s. 347 (1) (f)
 - restriction of use of certain names, s. 353
- penalties, failing to comply with Act, s. 361
- prospectus
 - special requirements of, s. 39 (1) (i), (2)
 - to state name and place of incorporation and that liability limited, s. 350
- public company, foreign company included in reference to, s. 5 (8)
- registered office in place of incorporation, alteration to be lodged, s. 347 (1) (e)
- registered office in State, obligation to have, s. 346 (4)
 - notice of situation to be lodged, s. 346 (1) (f)
 - alteration to be lodged, s. 347 (1) (e)
- Registrar, documents, notices, etc., to be lodged with, s. 346
 - agent, cesser of authority of, s. 346 (6)
 - appointment of agent after, s. 346 (8)
 - balance sheet, s. 348
 - cesser of business, notice of, s. 352 (1)
 - increase of capital, notice of, s. 347 (2)
 - liquidation or dissolution, notice of, s. 352 (2) (a)
 - return to be filed where alteration, s. 347
- registration, s. 346
 - alteration in particulars, s. 347 (1)
 - striking off register, s. 352 (5), (6)

Foreign Company—continued

- return to be lodged at least annually, s. 348 (6), (7)
- saving of powers conferred by private Act, s. 392
- service of process or notice on
 - manner of, s. 351
 - name and address of authorized person to be registered, s. 346 (1) (e)
 - authorizing document to be lodged, s. 346 (2)
- special investigation, declaration of application of provisions, s. 172 (2), (3)
- winding up of—*see liquidation above*

Forfeiture of Shares

- articles relating to, Table A cl. 28-35
- no-liability company, s. 323

Formation of Company, s. 14—*see also Promoter*

- delinquent conduct of person who took part in, power of court to assess damages in winding up, s. 305
- legal practitioner, statutory declaration by, s. 16 (2) [up, s. 305]
- offence in connection with, prohibition of person convicted from taking part in management [of company, s. 122]

Forms

- annual return, 8 Sch.
- certificate
 - re unclaimed moneys, 8 Sch.
 - that no invitation to the public, 8 Sch.
 - where members exceed fifty in case of proprietary company, 8 Sch.
- directors, managers and secretaries at date of annual return, particulars of, 8 Sch.
- list of members holding shares at date of annual return, 8 Sch.
- no liability, forfeited shares, calls and sales of, particulars to be lodged with, 8 Sch.
- regulations prescribing, power to make, s. 396 (1) (b)

Fraud

- company in course of being wound up, liability of past and present officers for fraudulent [offences, ss. 300, 302]
- convicted persons not to take part in management of companies without leave of court, s. 304
- fraudulent trading by company, s. 304 [122]
- misapplication of moneys, court may order same to be restored, s. 305

Friendly Societies, application of Act to, s. 383**General Meetings—*see Meetings*****Government Loans, underwriting by investment company, s. 337 (1), (5)****Government Gazette**

- annual return, provisions regarding, exempted company may be ordered to comply with, by [order published in, s. 160 (2)]
- branch register of members, application of provisions regarding inspection and rectification of, to registers of companies incorporated elsewhere, may be directed by order published in, s. 157 (8)
- shares, certificates of, called in but not brought, lists of, to be advertised in, s. 96 (5)
- special investigations, for purposes of, proclamation specifying a company, s. 172 (2) (3)

Governor

- annual return provisions, exempted company may be ordered to comply with, by order of, [s. 160 (2)]
- branch register of members, application of provisions regarding inspection and rectification of, to registers of companies incorporated elsewhere, may be ordered by, s. 157 (8)
- inspectors
 - appointment of, by, s. 169 (1), (2)
 - cost of investigation, security for, may be required by, s. 169 (2)
 - members of company may apply to, for, s. 169 (1)
 - report of to be lodged with, s. 169 (3)
 - copy of, to be forwarded to registered office of company by, s. 169 (3)
 - Minister, report may be referred to, by, s. 169 (5)
- investigation, expenses of and incidental to, defrayment of, may be directed by, s. 171 (8)
- regulations may be made by, s. 396
- special investigations, provisions regarding, ss. 172, 173
 - appointment of special investigators, s. 173 (1), (2)
 - expenses of, defrayment of, may be directed, s. 173 (2)
 - what companies may be specified by, for purposes of, s. 172

Guarantee, Company Limited By—*see Company*

Holding Company—see also Related Companies

- defined*, s. 6
- accounts, 9 Sch. 4
- investigation of affairs of, where relevant to investigation of affairs of subsidiary company, membership, subsidiary cannot be member, s. 17 [s. 171 (1)]
 - company limited by guarantee, s. 17 (6)
 - continuance where member at commencement of Act, s. 17 (3)
 - continuance where member when it becomes subsidiary, s. 17 (4)
 - exemption where subsidiary personal representative or trustee, s. 17 (2)
 - nominee for subsidiary prohibited, s. 17 (5)
 - unlimited company, s. 17 (6)
- purchase of its shares by subsidiary company, financial assistance for, when allowed, s. 67
- subsidiary, holding all issued shares in, minute of performance of acts, etc., required to be [done in general meeting, s. 140 (6), (7)]
- subsidiary, payment to director of, for loss of office, s. 129 (1) (a)
- subsidiary prohibited from granting financial assistance for purchase by any person of shares [in, s. 67]

Illegal Objects

- refusal of registration of company with, s. 384 (1)
 - restriction on sale of shares of company with, s. 381
- winding up of company with s. 384 (2)

Illegality, association or partnership exceeding twenty members, s. 14 (3)

Implied Powers—see Powers of Company**Inability to Pay Debts**

- defined*, s. 222 (2)
 - unregistered company, in case of*, s. 315 (2)
- as ground for winding up by court, s. 222 (1) (e)
 - report by inspector conducting investigations, where, s. 222 (1) (g) (i)
- as ground for winding up of unregistered company—see **Unregistered Companies**
- company may call meeting of creditors for purpose of placing company under official [management, s. 198]

Income Tax

- prohibition of provisions relieving directors from liability, s. 128

Incorporation, ss. 14-18

- association or partnership of more than twenty members must be incorporated, s. 14 (3)
- certificate of, s. 16 (3)
 - conclusive evidence, s. 372
- continuance of previous, s. 4 (5)
- effect of, s. 16 (4)
- formation, s. 14
- members of company, s. 16 (5)
 - holding company, subsidiary may not be member, s. 17
- memorandum, requirements as to—see **Memorandum**
- procedure, s. 16
- proprietary company, requirements, s. 15
- statutory declaration of compliance with Act, s. 16 (2)
- types of companies, s. 14

Increase of Capital—see Capital**Indemnity**

- company, by, to officers and auditors, when allowed, s. 133
- Tables A and B, provisions in, Table A cl. 113, Table B cl. 96

Index

- form of, s. 369 (1)
- members' names, of, to be kept by company, s. 151 (5)
 - contents, s. 151 (6)
 - default in compliance, s. 151 (7)
 - foreign company, s. 357
 - to be kept at registered office, s. 152
 - to be open for inspection by members, s. 153 (2)
- precautions to be taken where not kept in bound book, s. 369 (2)

Indorsements

- name of company to appear in, s. 113 (1) (b)
- liability of officers for failure regarding, s. 113 (2)

Industrial and Provident Societies, application of Act to, s. 383

“**In Liquidation**”, after name of company, s. 283

Inspection—*see also* **Committee of Inspection** ; **Inspection (Investigations)** ; **Inspectors**

- accounts, of
 - right of directors, s. 161 (3)
 - auditor on behalf of director, court order for, s. 161 (5)
 - trustee for debenture holders, by, s. 74 (3) (b) (i)
- books and papers of company, of
 - by creditors and contributories, s. 248
 - where offence suspected, s. 368
- committee of—*see* **Committee of Inspection**
- documents, of
 - company, of, s. 370
 - refusal to permit, s. 373
 - Registrar, filed with, s. 12 (2)
- investigation of affairs of company—*see* **Inspection (Investigations)**
- liquidator
 - accounts of, s. 281 (3)
 - books of, s. 277
- minute books, of, ss. 149, 370
 - refusal to permit, s. 373
- prospectus, consents and contracts referred to in, s. 41 (4)
- registers of company, of, s. 370
 - charges, register of, s. 107 (3)
 - refusal to permit, s. 373
 - members, register of, s. 153 (2)
 - foreign company's branch register, s. 357
- Registrar, of documents filed with, s. 12 (2)

Inspection (Investigations)—*see also* **Inspectors**

- articles defined*, s. 5 (1)
- agent, officer or—*see* officers or agent *below*
- appointment of inspector
 - by Governor on application of members or share or debenture holders, s. 169 (1)
 - evidence in support, s. 169 (2)
 - proceedings for damages for misconduct in promotion or formation of company, report by inspector to Governor, s. 169 (3) [s. 169 (7)]
 - admissibility in evidence, s. 171 (10)
 - offence disclosed, reference to Minister and prosecution, s. 169 (5), (6)
 - printing and publishing, s. 169 (4)
 - security for costs of investigation, s. 169 (2)
 - by special resolution of company, s. 170 (1)
 - report by inspector, s. 170 (2)
 - admissibility in evidence, s. 170 (10)
- banking company, application by members, s. 169 (1) (c)
- costs of investigation, s. 171 (8), (9)
 - security for, s. 169 (2)
- debenture holders may apply for—*see* appointment of inspector *above*
- examination of officer or agent—*see* officer or agent *below*
- expenses of investigation, s. 171 (8), (9)
- inspectors—*see* **Inspectors**
- life assurance business of company, provisions not applicable to, s. 168 (1)
- members may apply for—*see* appointment of inspector *above*
- officer or agent
 - defined*, ss. 168 (2), 172 (1)
 - duty to assist Minister in prosecution, s. 169 (6)
 - duty to produce books and documents and to assist inspector, s. 171 (2), (3)
 - liability for failure, s. 171 (4)

Inspection (Investigations)—*continued*

officer or agent—*continued*

examination on oath, s. 171 (3)

failure to answer questions, s. 171 (4)

incrimination as ground of refusal to answer, s. 171 (5), (6)

when not permissible, s. 171 (5)

answer privileged, s. 171 (5)

notes signed by witness, s. 171 (7)

privileged communications to legal practitioners, s. 367

procedure, s. 171

production of books and documents to inspector, s. 171 (2)-(4)

related company, power to investigate affairs of, s. 171 (1)

report by inspector—*see* appointment of inspector *above*

shareholders may apply for—*see* appointment of inspector *above*

special investigations

affairs of company, appointment of inspector to investigate, s. 173 (1)

applicability of inspection provisions, s. 173 (2)

employment by inspector of other persons, s. 173 (4)

officer or agent must produce books to and answer questions of, s. 173 (5)

expenses, s. 173 (2) (b), (3)

report of inspector, s. 173 (2) (a)

companies to which provisions apply, s. 172

circumstances in which declaration made, s. 172 (3)

foreign company, application of provisions to, s. 172

inspectors appointed in other States, powers and duties of, s. 170

offences, s. 176 (1)

destruction of books, etc., s. 176 (1) (a)

sending books, etc. out of State, s. 176 (1) (b)

ownership of company, appointment of inspector to investigate, s. 177 (1)-(5)

applicability of inspection provisions, s. 177 (5)

expenses, s. 177 (6)

powers of inspector, s. 177 (4)

report of inspector, s. 177 (5) (b)

restrictions on shares or debentures, power of Minister to impose, s. 179

shares or debentures, investigation by Minister of ownership of, s. 178

power to impose restrictions on shares or debentures, s. 179

suspension of certain pending actions and proceedings, s. 174

winding up on petition of Minister after inspector's report, s. 175

Inspectors—*see also* **Inspection (Investigations)**

appointed in other States, powers and duties of, s. 180

appointment

affairs of company, to investigate

by Governor, s. 169 (1)

special investigation, s. 173 (1)

by special resolution of company, s. 170

ownership of company, to investigate, s. 177

books and documents, production to, s. 171 (2)

employment of other persons, on special investigation, s. 173 (4)

examination of officers and agents, s. 171 (2)-(7)

legal practitioners, privileged communications to, s. 367

legal practitioner not required to disclose communication to him, s. 367

report by

admissibility in evidence, s. 171 (10)

ownership of company, where investigating, s. 177 (5) (b)

where appointed by Governor, s. 169 (3)-(7)

special investigation, s. 173 (2) (a)

where appointed by special resolution of company, s. 170 (2)

Instruments—*see* **Documents****Insurance**—*see also* **Life Insurance Companies**

policy not affected by winding up, s. 218 (1) (f)

third party, not affected by winding up, s. 292 (5)

Interest

capital, payment out of, conditions of, s. 69

Interests Other Than Shares, Debentures, etc., ss. 76-89

- approved deed defined*, s. 77
- company defined*, s. 76 (1)
- financial year defined*, s. 76 (1)
- interest defined*, s. 76 (1)
- investment contract defined*, s. 76 (1)
- management company defined*, s. 76 (1)
- proclaimed State defined*, s. 76 (1)
- approved deed
 - defined*, s. 77
 - approval by Minister of company acting as trustee or representative, s. 79
 - revocation, s. 79 (2)
 - covenants to be included in, s. 80
 - instrument amending or affecting deed included, s. 76 (2)
 - lodgement with Registrar, s. 78 (3)
 - matters to be included, ss. 78 (2), 80
 - necessary before issue or offer or invitation to public, s. 83 (1)
 - not to be mentioned in statement relating to interests, s. 83 (2)
- continuance of undertaking contrary to provision in deed, s. 80 (3)
- contravention or failure to comply with statute
 - no relief from liability of person to holder of interest, s. 86 (2)
 - penalty, s. 86 (1)
- deed—*see* approved deed *above*
- exemption from compliance with statutory provisions
 - power of Minister to exempt company, s. 88 (1)
 - sales by personal representatives, liquidators, receivers or trustees in bankruptcy, s. 88 (2)
- failure to comply
 - with covenants in deed
 - liability for, s. 86 (1)
 - winding up of scheme—*see* winding up *below*
 - with statute—*see* contravention *above*
- management company
 - defined*, s. 76 (1)
 - covenants by, s. 80 (1)
 - exemption from compliance with statutory provisions, s. 88
 - in liquidation, ceasing business or acting prejudicially to holders, winding up of
 - [scheme—*see* winding up *below*
 - register of holders of interests to be kept, s. 84
 - returns to be lodged with Registrar, s. 85
- meetings
 - to consider winding up of scheme, where prejudicial action of management company, [s. 87 (1)-(4)]
- meetings of holders
 - covenants in deed with respect to, s. 80 (1) (g), (h)
 - calling, time, place and conduct, s. 80 (2)
 - trustee to comply with directions, s. 80 (4)
 - direction conflicting with deed or Act or otherwise objectionable, s. 80 [(5)]
- notice to be given to holders of interests issued before commencement of Act, s. 83 (3), (4), [(5)]
- register of interest holders to be kept by management company, s. 84
- sales by personal representatives, liquidators, receivers or trustees in bankruptcy, statutory
 - [provisions not applicable to, s. 88 (2)]
- statement to be issued by company before issue or offer or invitation to be public, s. 82
 - contents, s. 80 (2), (3), 7 Sch.
 - deemed prospectus, s. 82 (1)
- to be issued, offered or invited by companies only, s. 81
- transfer of interest
 - certification by company of transfer effect, s. 98
 - personal representative, by, s. 95 (2)
 - refusal to transfer, notice to transferee, s. 97 (1) registration of transfer at request of [transferor, s. 96 (1)]
- trustee or representative
 - approval by Minister, s. 79 (1)
 - revocation, s. 79 (2)
 - covenants by, s. 80 (1)
 - liability for breach of trust
 - exemption or indemnification provision void, s. 89 (1), (2)
 - release from liability, s. 89 (2)

Interests Other Than Shares, Debentures, etc.—continued

- trustee or representative—*continued*
 - to comply directions of meeting of holders, s. 80 (4)
 - direction conflicting with deed or Act or otherwise objectionable, s. 80 (5)
- winding up of scheme, s. 87
 - confirmation of resolution by court, s. 87 (5)
 - in what circumstances, s. 87 (1)
 - meeting of holders, s. 87 (1)-(4)

Interpretation—see also Definitions

- effect of repeal of other Acts, s. 4

Investment Companies, ss. 334—343—see also Interests Other Than Shares, Debentures, etc.

- defined*, s. 334 (1), (2)
- authorised securities defined*, s. 337 (5)
- debentures defined*, s. 335 (3)
- investment fluctuation reserve defined*, s. 342 (1)
- net tangible assets defined*, s. 334 (1)
- non-authorized securities defined*, s. 337 (5)
- accounts of, special requirements, s. 341
- articles, special requirements of, s. 338 (2)
- balance sheet, special requirements as to, s. 341 (1), (2)
- borrowing by, restrictions on, s. 335
 - not to exceed 50 per cent of tangible assets, s. 335 (1)
 - to be by issue of debentures if amount over 25 per cent of net tangible assets, s. 335
- default in compliance with Act, s. 343 (2)
- liability, s. 343 (1)
- transaction not invalid, s. 343 (2)
- investment by, restrictions on, ss. 336, 339
 - limit of amount to be invested in ordinary shares of a corporation, s. 336 (2)
 - not to be in shares or debentures of another investment company, s. 339
 - not to exceed 10 per cent of net tangible assets, s. 336 (1)
 - underwriting, resulting from, to be reduced to limit within twelve months, s. 337 (3)
- investment fluctuation reserve, s. 342
 - defined*, s. 342 (1)
 - income tax on profits from sale payable out of, s. 342 (3)
 - net profits and losses from purchases and sales of securities to be included, s. 342 (1)
 - not available for payment of dividends, s. 342 (2)
- proclamation by Governor of, s. 334 (2)
- profit and loss account, special requirements as to, s. 341 (3)
- prospectus, special requirements as to, s. 338 (1)
- speculation in commodities prohibited, s. 340
- underwriting by, restrictions on, s. 337
 - authorised securities
 - defined*, s. 337 (5)
 - not to exceed 40 per cent of net tangible assets, s. 337 (1)
 - resulting investment to be reduced to investment limit within twelve months, s. 337
 - sub-underwriting included, s. 337 (4)
 - unauthorised securities (3)
 - defined*, s. 337 (5)
 - not to exceed 20 per cent of net tangible assets, s. 337 (2)

Investment Contract—see Interests Other Than Shares, Debentures, etc.**Invitation to Public**

- to deposit or lend money
 - certain corporations exempted from requirements of Act, s. 38 (4), (5)
 - debentures must be issued, s. 38 (1)
 - deemed invitation to purchase debentures, s. 5 (5)
 - issue of unsecured notes, s. 38 (2), (3)
- to purchase interest other than shares, debentures, etc., ss. 81, 82
- to purchase shares or debentures, is a prospectus, s. 5 (1)—*and see Prospectus*

Invoices

- name and situation of registered office of company to appear in, s. 113 (1) (b)
- liability of officers for failure regarding, s. 113 (2)

Irregularity, proceedings not to be invalidated by, s. 366

Joint Holders of Shares

calls, liability to pay for, Table A cl. 15
 company not bound to issue more than one certificate to, Table A cl. 8, Table B cl. 8
 death, title on, Table A cl. 24, Table B cl. 15
 votes of, at meetings, Table A cl. 55, Table B cl. 38

Judicial Notice, of seal and signature of Registrar, etc., s. 7

Land, foreign company may hold, s. 345

Language—*see* **English Language**

Legal Personal Representative—*see* **Executors and Administrators**

Legal Proceedings

admissibility of documents in—*see* **Evidence**
 allegations in information, effect of, s. 382 (4)
 compensation may be ordered by court from penalty, s. 382 (6)
 costs, s. 363 (2)
 company plaintiff, security, s. 363 (1)
 penalty may be applied to, s. 382 (6)
 defect irregularity or deficiency of notice not to invalidate unless substantial injustice caused,
 [s. 366 (1)
 court may declare valid notwithstanding such defect, etc., s. 366 (2)
 discovery in aid of execution of judgment, s. 390
 offences, for, s. 382
 penalty may be applied by costs or compensation, s. 382 (6)
 stay of
 after commencement of creditors' voluntary winding up, s. 263 (2)
 after presentation of petition for winding up, s. 226
 on appointment of official manager, s. 199
 on making of winding up order by court, s. 230 (3)
 suspension of certain proceedings on appointment of inspector to make special
 [investigation, s. 174
 time, power of court to enlarge or abridge, s. 366 (4)
 time for taking for offences, s. 382 (2) (5)

Lending of Money—*see also* **Loans**

by company, implied power, 3 Sch. 12
 to company, invitation to—*see* **Invitation to Public**

Letters

business, name and situation of registered office of company to appear in, s. 113 (1) (b)
 liability of officers for failure regarding, s. 113 (2)

Letters of Administration, evidence of grant of, s. 95 (5)

Letters of Credit

company, name of, to appear in, s. 113 (1) (b)
 liability of officers for failure regarding, s. 113 (2)

Liability—*see also* **Offences and Penalties** and table in Appendix A published with this index

administrator, of—*see* **Executors and Administrators**
 auditors, of—*see* **Auditors**
 contributory, of—*see* **Contributories**
 directors, of—*see* **Directors**
 executor, of—*see* **Executors and Administrators**
 officers, of—*see* **Officers**
 prospectus, in respect of—*see* **Prospectus**
 relief from, provisions in articles, contract or otherwise for, of officers or auditors, void, s. 133
 shares, on—*see* **Shares**
 trustee, of, when registered as shareholder, s. 156 (1), (2)
 shares may be identified in register as held for particular trust, s. 156 (3)
 liabilities not affected thereby, s. 156 (3)

Lien

of company on shares, Table A cl. 9-12
 on crops and wool, granted by company, necessity for registration, s. 100 (3) (c) (ii)
 power to take, to secure balance of purchase price, 3 Sch. 24

Life Insurance Companies

accounts

- exclusion from provisions of ss. 162 and 164, ss. 162 (15), 164 (4)
- requirement to lodge copies of documents with Registrar, s. 162 (15)
- inspection provisions of Act, not applicable to, s. 168 (1)
- members, register of, Division 4 not applicable if company complies with provisions of [Commonwealth Act, s. 150
- trustee for debenture holders, right to act as, s. 74 (6)

Limited, penalty for improper use of word, s. 377

Limited Company

defined, s. 5 (1)

conversion

- of company limited by guarantee to company limited by shares and guarantee, s. 25
- of unlimited company to limited company, s. 25 (1) [(1)
- "Limited" to be included in name, s. 22 (3)
- abbreviation, s. 22 (6) (c)
- licence to omit, to charitable and other companies, s. 24
- types of companies, s. 14 (2)

Liquidators—see also Winding Up ; Winding Up by the Court ; Winding Up, Voluntary

official liquidator defined, s. 5 (1)

accounts to be filed every six months, s. 281

copy to be open for inspection, s. 281 (3)

default, direction to make good, s. 282

notice to be given to creditors and contributories, s. 281 (4)

Registrar may have audited, s. 281 (2), (5)

costs of audit, priority of, s. 292 (1) (a)

address, notice to be given to Registrar of, and of change of, s. 280 (1)

appeal against decision of, s. 279

appointment

notice to be lodged with Registrar, s. 280 (1)

official liquidators—*see* official liquidators *below*

persons qualified to be appointed—*see* registration *below*

books and papers of company

delivery to, s. 245 (1)

prima facie evidence as between contributories, s. 284 (1)

to be retained for five years and may then be destroyed, s. 284 (2)

authority for earlier destruction, s. 284 (3)

exclusion from responsibility where authorized destruction, s. 284 (4)

books to be kept by, s. 277

creditor or contributory may inspect, s. 277

prima facie evidence as between contributories, s. 284 (1)

to be retained for five years and may then be destroyed, s. 284 (2)

authority for earlier destruction, s. 284 (3)

exclusion from responsibility where authorized destruction, s. 284 (4)

breach of trust by, court may order giving of compensation, s. 305 (1)

charges void against, unless registered, s. 100

company unable to pay unsecured creditors more than 10s. in £, duty to report to Minister, [s. 306 (3), (4)

compromise or arrangement proposed, application to court to order meeting of creditors or court [members, s. 181 (1)

appeal to, against decision of liquidator, s. 279

control of over, s. 278

examination of liquidator and investigation of books and vouchers, s. 278 (3)

inquiry into conduct, s. 278 (1)

order to make good loss due to misfeasance, neglect or omission, s. 278 (2)

may order liquidator to submit account of unclaimed moneys in his hands, s. 286 (2), [(3)

saving of rights and remedies of any person against liquidator or other person, [s. 286 (4)

criminal offence by officer or member of company coming to light in winding up, duty of costs, s. 306 (8)-(10) [liquidator

duty to give assistance in connection with prosecution, s. 306 (6)

voluntary winding up, report to Minister, s. 306 (2)

circumstances in which liquidator may take proceedings, s. 306 (4)

failure to report, direction by court, s. 306 (5)

winding up by the court, direction by court to prosecute or refer to Minister, s. 306 (1)

Liquidators—continued

- damages against, if delinquent, s. 305
- defaults by, duty to make good, s. 282
- disclaimer of onerous property by, s. 296
- disqualifications, s. 10
- execution not complete before winding up, duty of sheriff to deliver to liquidator, s. 299
- expenses not to be incurred without leave unless sufficient available assets, s. 287 (1)
 - direction by Registrar on giving of indemnity by creditor or contributory, s. 287 (2)
- failure of officer to deliver property or books and papers to, s. 300 (1) (b)
- foreign company, of, powers, functions and duties of, s. 352 (2), (3)
- fraudulent trading disclosed in course of winding up, application to court, s. 304
- giving valuable security to secure appointment, liability for, s. 301 (1)
- goods taken in execution, and any money received, to be delivered by sheriff to liquidator, [s. 299]
- inducement to secure appointment, liability of person giving, s. 301 (1)
- “in liquidation” to appear on invoices, order and letters issued on behalf of company, s. 283
- interests other than shares or debentures, sale of, Pt. IV, Div. 5, not applicable to, s. 88 (2)
- investment of surplus funds, s. 285
- in voluntary winding up
 - account of conduct in winding up and disposition of property to be laid before final [meeting, s. 272]
 - acts valid notwithstanding defect in appointment or qualification, s. 268 (1)
 - application to court to have questions determined or powers exercised, s. 274
 - appointment, ss. 258, 261
 - by court after removal of liquidator, s. 266
 - by court where no liquidator acting, s. 265
 - creditors’
 - appointment, s. 261 (1), (2)
 - effect on powers of directors, s. 261 (4)
 - delivery of money, property, books or papers to, court may require, s. 263 (3)
 - remuneration, s. 261 (3)
 - vacancy in office, s. 261 (5)
 - disposition of property
 - by liquidator, valid in favour of *bona fide* purchaser for value without notice notwithstanding defect or irregularity in winding up, s. 268 (4)
 - payment of money included, s. 268 (4)
 - to liquidator, protection of person making where defect or irregularity in making of calls, s. 269 (1) (d) [winding up, s. 268 (4)]
 - members’
 - appointment, s. 258 (1)
 - effect on powers of directors, s. 258 (2)
 - duty to call creditors’ meeting in case of insolvency, s. 259
 - appointment of some other person as liquidator, s. 259 (2)-(5)
 - remuneration, company may fix, s. 258 (1), (3)
 - vacancy in office, s. 258 (3), (4)
 - powers and duties, ss. 269-272, 274
 - exercise of powers given to liquidator in winding up by court, s. 269 (1) (a), (b)
 - certain actions to be authorized by company (members’ winding up) or committee of inspection of general meeting (creditors’ winding up), s. 269 (1) (a)
 - exercise of powers where several appointed, s. 269 (3)
 - sale of business or property to another company in consideration of shares, [debentures, etc., or right to participate in profits, s. 270]
 - to apply to court to have questions determined or powers exercised, s. 274
 - to call meeting of company and where creditors’ winding up of creditors annually, s. 271
 - final, for purpose of giving account of winding up, s. 272
 - return to be lodged with Registrar, s. 272 (3), (4)
 - to be advertised, s. 272 (2)
 - to pay debts and adjust rights of contributories, *inter se*, s. 269 (2)
 - presentation of petition for winding up by the court, s. 221 (1) (d), (2) (d)
 - preliminary costs, s. 224 (4)
 - removal and replacement, s. 266
 - remuneration
 - priority of, s. 275
 - review of court, s. 267

Liquidators—continuedin voluntary winding up—*continued*

- sale of business or property to another company—*see* sale of business *below*
- settlement of list of contributories, s. 269 (1) (c)
- several appointed, exercise of powers where, s. 269 (3)
- summoning general meetings to obtain sanction for action, s. 269 (1) (e)
- to adjust rights of contributories *inter se*, s. 269 (2)
- to pay debts, s. 269 (2)
- validity of acts notwithstanding defect in appointment, s. 268

in winding up by the court, official liquidator

- official liquidator defined*, s. 5 (1)
- actions and legal proceedings, power to bring or defend, s. 236 (2) (a)
- agent, power to appoint, s. 236 (2) (j)
- application to court for directions, s. 237 (3)
- appointment
 - by Minister, of registered liquidators to be official liquidators, s. 11
 - of official liquidator to be liquidator of company, s. 231 (1)
 - of solicitor to assist liquidator, s. 236 (2) (b)
- banking of money, s. 238
- bankruptcy of creditor or contributory, powers where, s. 234 (2) (e)
- bill of exchange, power to draw, accept, make and endorse, s. 236 (2) (f)
- books of company, delivery of to, s. 245 (1)
- calling of meeting to determine whether committee of inspection to be appointed, carry on business of company, power to, s. 236 (1) (a) [s. 241 (1)]
- committee of inspection—*see* **Committee of Inspection**
- compromise calls and liabilities to company, power to, s. 236 (1) (d), (2) (i)
- compromise or arrangement with creditors, power to make, s. 236 (1) (c)
- death of contributory or creditor, powers on, s. 236 (2) (h)
- defect in appointment or qualifications, acts valid, s. 232 (8)
- delegation of powers by court to, power to make rules, s. 252
- examination of promoters or officers, s. 250
- execution of documents in name and on behalf of company, s. 236 (2) (e)
- money of company, delivery of to, s. 245 (1)
- moneys to be paid into prescribed bank, s. 238
 - interest to be paid if unjustifiable retention of moneys, s. 238 (2)
- more than one liquidator, appointment of, s. 232 (7)
- officer, not included in definition of, s. 5 (1)
- official liquidators, appointment by Minister to be, s. 11
- papers of company, delivery of to, s. 245 (1)
- pay class of creditors in full, power to, s. 236 (1) (b)
- powers, ss. 236, 237
 - application for appointment of special manager, s. 246 (1)
 - application to court for directions, s. 237 (3)
 - control of court, s. 236 (3)
 - delegation of power by court, power to make rules, s. 252
 - discretion of liquidator, s. 237 (4)
 - exercisable with authority of court or committee of inspection, s. 236 (1)
 - meetings of contributories or creditors, power to summon, s. 237 (2)
 - regard to be had to directions of creditors and contributories, s. 237 (1)
 - to apply for stay of winding up, s. 243 (1)
- promissory notice, power to draw, accept, make and endorse, s. 236 (2) (f)
- property of company
 - custody and control of, s. 233
 - order for delivery, s. 245 (1)
 - vesting in liquidator, s. 233 (2)-(4)
 - land, necessity for registration, s. 233 (3), (4)
- provisional liquidator
 - actions stayed on appointment, s. 230 (3)
 - appointment, powers and functions, s. 231 (2)
 - remuneration, s. 232 (2)
- raise money, power to, s. 236 (2) (g)
- receiver, may be appointed as, s. 190
 - application of provisions as to duty to notify company of appointment and as release, ss. 239, 240 [to statement of affairs to be given to, s. 193 (3)]
 - grant
 - discharge from liability, s. 240 (4)
 - office copy of court's order to be lodged with Registrar, s. 240 (6)
 - operates as removal from office, s. 240 (5)
 - refusal, power of court to charge liquidator with default, s. 240 (3)
 - report on accounts, power of court to order, s. 240 (2)
 - where realization complete or resignation or removal, s. 239

Liquidators—continued

- in winding up by the court—*continued*
 - removal, s. 232 (1)—*see also* release *above*
 - remuneration, s. 232 (3)-(5)
 - report to court, s. 235
 - further, s. 235 (2)
 - preliminary, s. 235 (1)
 - statement of opinion that promoters or officers guilty of fraud, order of court
 - [for public examination, s. 250
 - right to take part in examination, s. 250 (2)
 - resignation, s. 232 (1)—*see also* release *above*
 - sale of property of company, s. 236 (2) (c)
 - special manager, application for appointment of, s. 246 (1)
 - statement of company's affairs to be submitted to, s. 234
 - by what persons, s. 234 (2)
 - contents, s. 234 (1)
 - costs and expenses, s. 234 (4)
 - default in compliance with requirements, s. 234 (5)
 - filing of copies, s. 234 (3)
 - time for submission, s. 234 (3)
 - stay of winding up, application for, s. 243
 - vacancy in office, court may fill, s. 232 (6)
- misapplication of money or property, court may order repayment or restoration or giving of
 - [compensation, s. 305 (1)
- misfeasance by, court may order giving of compensation, s. 305 (1)
- money or property, liquidator liable to account for, court may order repayment or restoration
 - [or giving of compensation, s. 305 (1)
- none acting, Registrar may treat company as defunct, s. 308 (4)
- notice to be lodged with Registrar of appointment, and address, and of resignation or
 - officer, when included in definition, s. 5 (1) [removal, s. 280
- official liquidators—*see also* in winding up by the court *above*
 - defined, s. 5 (1)
 - appointment by Minister, s. 11
 - security, s. 11
- petition for winding up by the court, right to present, s. 221 (1) (d)
 - costs, s. 224 (4)
- property, liquidator liable to account for, court may order restoration or giving of compen
 - sation, s. 305 (1)
- registration by Companies Auditors Board, s. 9 (8)
 - constitution of Board, s. 8
 - inquiry by Board into conduct and character, s. 9 (10)-(12)
 - powers of Board, s. 9 (12)
 - recovery of fine imposed, s. 9 (13)
 - right of appeal, s. 9 (14)
 - period of registration, s. 9 (9)
 - re-registration after cancellation, s. 9 (15)
- removal
 - notice to be lodged with Registrar, s. 280 (2)
- resignation
 - notice to be lodged with Registrar, s. 280 (2)
- sales of property, business or undertaking by or to company from or to directors or companies
 - [having same directors, right to recover in respect of, s. 295
- surplus funds may be invested in government securities or deposited at interest with bank,
 - realization where required, s. 285 (2) [s. 285 (1)
- unclaimed moneys to be paid to Treasurer and placed to credit of Companies Liquidation
 - [Account, s. 286 (1)
- unregistered company, powers in winding up of, s. 314 (2)
- winding up petition, right to present, s. 221 (1) (d)
 - costs, s. 224 (4)

Lis Pendens

- petition in winding up to be, s. 229

Loans—see also Lending of Money

- by company for purpose of purchase of its shares prohibited, s. 67
 - exceptions, s. 67 (2)
- directors, to—*see* **Directors**

Long Service Leave

- priority of payment of amounts due for receiver, by, s. 196
- winding up, in, s. 292 (1) (d), (3)

Loss of Office

- payment to director for, to be disclosed, s. 129

Lost

- document filed with Registrar, reloading, s. 13
- document of title to shares, s. 94

Manager

- defined*, s. 5 (1)
- accounts, books of, duty regarding, s. 161 (1)
- acts of, validity of, where defect in appointment, s. 119
- annual return
 - may be signed by, s. 158 (4)
 - particulars of managers to be shown in
 - where no share capital, s. 159 (2) (d)
 - where share capital, 8 Sch.
- appointment of, defect in, validity of acts where, s. 119
- assignment of office by, approval of company required for, s. 130 (1)
- fraudulent persons may be restrained from being, without leave of court, s. 122
- meetings of, minutes of, to be kept and signed, s. 148
- official—*see* **Official Management**
- qualification of, defect in, validity of acts where, s. 119
- receivers and managers—*see* **Receivers and Managers**
- register of, s. 134
 - change in, notice to be filed of, s. 134 (6)
 - inspection of, s. 134 (5)
 - particulars to be contained in, s. 134 (4)
 - registered office, to be kept at, s. 134 (1)
 - return to be filed of, s. 134 (6)
- return of particulars regarding, to be filed, s. 134 (6)
- special, appointment by liquidator, s. 246
- validity of acts of, where defect in appointment, s. 119

Management, Committee of—*see* Official Management**Management Company—*see* Interests Other Than Shares, Debentures, etc.****Management of Company—*see also* Table A ; Table B**

- fraudulent persons may be restrained from taking part in, without leave of court, s. 122
- official—*see* **Official Management**

Managing Director

- appointment, Table A cl. 91, Table B cl. 74
- delegation of powers to, Table A cl. 93, Table B cl. 76
- remuneration of, Table A cl. 92, Table B cl. 75

Master

- jurisdiction of, s. 5 (1)

Meetings—*see also* Meetings of Members ; Resolutions

- arrangement, to consider, s. 181
- compromise, to consider, s. 181
- creditors and contributories, of—*see* **Winding Up ; Winding Up by the Court ; Winding Up, Voluntary**
- creditors, of—*see* **Creditors ; Official Management**
- debenture holders, of—*see* **Debentures**
- directors, of—*see* **Directors**
- interests other than shares, debentures, etc., of holders of—*see* **Interest Other Than Shares, [Debentures, etc.]**
- resolutions—*see* **Resolutions**
- special resolutions—*see* **Resolutions**

Meetings of Members—*see also* Resolutions

- statutory meeting defined*, ss. 5 (1), 135 (1)
- accounts to be laid by directors before general, s. 162 (1)

Meetings of Members—continued

adjourned

- business at, Table A cl. 50, Table B cl. 33
- chairman, by, Table A cl. 50, Table B cl. 33
- notice to be given of, where for more than thirty days, Table A cl. 50, Table B cl. 33
- quorum not present, where, Table A cl. 48, Table B cl. 31
- resolutions at, date of passing of, s. 147
- statutory meeting—*see* statutory meeting *below*

annual general meeting, s. 136

- auditors, appointment at, s. 165 (2)
- default in holding, offence, and court may direct holding, s. 136 (4)
- every company to hold, s. 136 (1), Table A cl. 43, Table B cl. 26
- first, s. 136 (1), (2)
- member's right to requisition for notice of resolution intended to be removed and statement with respect to resolution or business to be dealt with at meeting, s. 143
- official manager, convening by, s. 205 (1) (f)
- resolution at general meeting that it be annual general meeting, s. 136 (3)
- shorter notice than prescribed, s. 138 (3) (b)
- time for, s. 136 (1), (2)

appointments of officers or liquidators at, when deemed valid, s. 148 (3)

auditors

- appointment of, at annual general, s. 165 (2)
- attendance and explanation by, at, s. 167 (5)

balance sheet to be laid before general, s. 162 (3)

business, special at, Table A cl. 46, Table B cl. 29

calling of, s. 138

chairman

- adjournment of meeting by, Table A cl. 50, Table B cl. 33
- chairman of directors as, Table A cl. 49, Table B cl. 32
- election of, s. 140 (1) (b), Table A cl. 49, Table B cl. 32
- minutes to be signed by, s. 148 (1) (b)
- poll, directions as to taking, Table A cl. 52, Table B cl. 35

conversion of shares into stock may be resolved at, Table A cl. 36, Table B cl. 19

corporation, representation of, at, s. 140 (3)-(6), Table A cl. 293, Table B cl. 42

court may order, s. 142

- deemed duly called, held and conducted, s. 142
- directions as to by court, s. 388
- on default in holding annual general meetings, s. 136 (4)

directors may be increased or reduced at, Table A cl. 67, Table B cl. 50

duly called, may be, where notice shorter than statutory period, s. 138 (3)

duly convened, when not, s. 137 (5)

duly held and convened, when deemed, s. 148 (3)

extraordinary general meeting, s. 137

- all other than annual general to be, Table A cl. 43, Table B cl. 26
- default by directors, members may convene, s. 137 (3)
 - costs of requisitionists, s. 137 (4)
- directors to convene on requisition of members, s. 137 (1), Table A cl. 44, Table B cl. 27
 - requirements of requisition, s. 137 (1), (2)
- special resolution to be proposed, notice to be given, s. 137 (5)
- time to hold, s. 137 (1), (3)

holding company holding all shares in subsidiary, s. 140 (6), (7)

invitation at company's expense to some only of members to appoint particular person

irregularities, court may rectify, s. 366

[proxy, s. 141 (4), (5)]

member or director, may apply to court to order, when, s. 142 (1)

members' right to requisition for notice of resolution intended to be moved and statement with respect to resolution or business to be dealt with at meeting, s. 143

- expenses to be tendered, s. 143 (4)
- manner of giving notice or circulating statement, s. 143 (3)
- number necessary for a requisition, s. 143 (2)
- rights not to be abused to secure needless publication of defamatory matter, s. 143 (5)
- time for depositing requisition, s. 143 (4)

minutes of

- chairman, to be signed by, s. 148 (1) (b)
- company to have kept and signed, s. 148 (1) (a)
- copies to be given to members of, s. 149 (2)
- declaration by chairman of result of voting, entry is conclusive evidence, Table A cl. 51, Table B cl. 34

directors, interest, declaration of, to be recorded in, s. 123 (7)

directors to have kept, Table A cl. 78, Table B cl. 61

evidence, as, s. 148 (2), (3)

inspection of, right of member, s. 149 (1)

registered office, to be kept at, s. 149 (1)

Meetings of Members—continued

- notice to be given of, s. 138 (2)-(5), Table A cl. 45, Table B cl. 28
- accidental omission to give or non-receipt of, not to invalidate proceedings, s. 138 (5)
- persons entitled to, Table A cl. 111, Table B cl. 93
- right to appoint proxy to be stated on, s. 141 (3)
- service of, s. 138 (4), Table A cl. 108-110, Table B cl. 90-92
- shorter notice than prescribed, agreement necessary for meeting to be deemed duly [called, s. 138 (3)
- special notice of resolution, to be accompanied by, when, s. 145
- special resolution, where, s. 144 (1)
- poll at
 - articles excluding or making ineffective demand for poll void, s. 139 (1)
 - for special resolution may be demanded at, s. 144 (4)
 - holding of, Table A cl. 52, Table B cl. 35
 - instrument appointing proxy confers authority to demand, s. 139 (2)
 - person entitled to more than one vote need not use all votes or cast all in same way, [s. 140 (2)
 - right of proxy to vote, s. 141 (1), Table A cl. 61, Table B cl. 44
 - right to demand, Table A cl. 51, Table B cl. 34
 - voting on, Table A cl. 54, Table B cl. 37
- proceedings at, Table A cl. 47-62, Table B cl. 30-45
- profit and loss account to be laid before, s. 162 (1)
- proxies
 - articles void requiring instrument appointing to be received by company more than [48 hours before meeting, s. 139 (1) (c)
 - authority to demand poll conferred, s. 139 (2)
 - deposit at registered office, Table A cl. 61, Table B cl. 44
 - form of, Table A cl. 59, 60, Table B cl. 42, 43
 - inclusion in definition of member, Table A cl. 47, Table B cl. 30
 - invitation at company's expense to some only of members to appoint particular [person proxy, s. 141 (4), (5)
 - members entitled to appoint, s. 141 (1)
 - proprietary company, s. 141 (2)
 - notice of meeting, right to appoint proxy to be stated on, s. 141 (3)
 - right to vote, s. 141 (1), Table A cl. 54, Table B cl. 37
 - vote valid notwithstanding previous death or insanity of principal or revocation if no intimation received, Table A cl. 62, Table B cl. 45
- quorum at, s. 140 (1), Table A cl. 47, Table B cl. 30
 - absence of
 - adjournment of meeting where, Table A cl. 48, Table B cl. 31
 - no quorum at adjourned meeting, Table A cl. 48, Table B cl. 31
 - court may rectify, s. 366 (3)
 - dissolution of requisitioned meeting where, Table A cl. 48, Table B cl. 31
 - if not present where meeting not requisitioned by members, to be adjourned, Table A [cl. 48, Table B cl. 31
 - if not present within half an hour on meeting requisitioned by members, meeting to [be dissolved, Table A cl. 48, Table B cl. 31
 - no business to be transacted unless present, Table A cl. 47, Table B cl. 30
- resolutions—see **Resolutions**
- special business transactions at, Table A cl. 46, Table B cl. 29
- special resolutions—see **Resolutions**
- statutory meeting, s. 135
 - defined, ss. 5 (1), 135 (1)
 - adjournment of, s. 135 (8), (9)
 - resolutions at adjourned meeting, s. 135 (8)
 - special resolution for winding up at adjourned meeting, s. 135 (9)
 - committee of inquiry, appointment of, by, s. 135 (9)
 - default in complying with Act, s. 135 (10)
 - default in holding as ground for winding up, ss. 221 (2) (b), 222 (1) (b)
 - discussion by members at, s. 135 (7)
 - list of members to be open and accessible during, s. 135 (6)
 - resolutions at, s. 135 (7), (8), (9)
 - statutory report to be sent by directors to members before, s. 135 (2)-(5)
 - time for, s. 135 (1)
 - variation of contracts before, s. 53
 - what companies to hold, s. 135 (1)
- time for annual general, s. 136 (1)

Meetings of Members—continued

voting at

- equality in, casting vote of chairman, Table A cl. 53, Table B cl. 36
- joint shareholders by, Table A cl. 55, Table B cl. 38
- member in default of payment of calls not entitled to vote, Table A cl. 57, Table B cl. 40
- member insane or infirm, Table A cl. 56, Table B cl. 39
- number of votes to which member entitled, s. 140 (1) (c), (2), Table A cl. 54, Table B [cl. 37]
- objection to qualification of member, Table A cl. 58, Table B cl. 41
- poll—*see* poll at *above*
- proxies—*see* proxies *above*
- show of hands, by, Table A cl. 51, Table B cl. 34
- special resolution, on a, s. 144

Members of Company—see also Contributors

- agreement to become, s. 36 (5)
- alteration of status of, after commencement of winding up by the court, s. 227
- alteration to memorandum or articles increasing liability, s. 33 (3)
- annual list of, s. 158, 8 Sch.
- auditors to report to, as to accounts, balance sheet and profit and loss account, s. 167 (1)
 - matters to be stated in report, s. 167 (1), (2)
 - right to inspect report, s. 167 (4)
- balance sheet, copy of, right to, s. 164 (2)
- bound by memorandum and articles, s. 33
- branch register of—*see* **Branch Register**
- calls upon—*see* **Calls**
- charges, register of, inspection of, by, s. 107 (3)
- compromise or arrangement with—*see* **Arrangement**
- contract for membership, s. 36 (5)
- corporations being, representation of, at meetings of, s. 140 (3)
- court, application to, where complaint of oppression, s. 186
- debts due by, under memorandum or articles, to be specialty, s. 33 (2)
- deemed to have signed memorandum and articles when registered, s. 33 (1)
- distribution of property to, implied power of company, 3 Sch. 23
- holding company, subsidiary cannot be member of, s. 17
 - exceptions, s. 17 (2)-(5)
 - holding company limited by guarantee or unlimited, s. 17 (6)
- increase of
 - in case of company limited by guarantee, s. 29 (4)
 - in case of unlimited company, s. 29 (4)
- index of names of
 - company to keep, where more than fifty, s. 151 (5), (6)
 - inspection of, s. 153 (2)
 - registered office, to be kept at, s. 152 (1)
 - exceptions, s. 152 (1) (a), (b)
- inspection
 - of accounts, right to, Table A cl. 97, Table B cl. 80
 - of company's affairs, application to Governor for, by, s. 169 (1), (2)
 - who may apply, s. 169 (1) (a), (b), (c)
 - of minutes of general meetings, s. 149 (1)
- liability of
 - in winding up, s. 218
 - reduction of capital, on, s. 64 (9)
- may require copy of memorandum and articles, s. 34 (1)
 - where articles altered, s. 34 (2)
- meetings of—*see* **Meetings of Members**
- minutes of general meetings, rights of, to inspection and copies, s. 149 (1), (2)
- notice of intention to alter objects to be given to, s. 28 (3)
- number of
 - company limited by guarantee or proprietary company, to be stated in articles, s. 29
 - maximum for proprietary company, s. 15 (1) (b) [(4)]
 - reduction below statutory minimum
 - prohibition of carrying on business, s. 36
 - winding up by court, as ground for, s. 222 (1) (d)
 - to form a company, s. 14
- offence in relation to company, prosecution for, s. 306
- oppression, right to apply to court in case of, s. 186
- past, liability to contribute on winding up, s. 218 (1)
 - not liable for debt or liability contracted after ceasing to be member, s. 218 (1) (b)
 - not liable unless existing members unable to satisfy debts, s. 218 (1) (c)

Members of Company—continued

- present, liability to contribute on winding up, s. 218 (1)
- profit and loss account, copy of, right to, s. 164 (2)
- prosecution of delinquent, s. 306
- register of—*see* **Register of Members**
- requisition by, for extraordinary general meeting, s. 137
- right to apply to court, where complaint of oppression, s. 186
- status not to be altered after commencement of winding up, s. 227
- statutory meeting of—*see* **Meetings of Members**
- subscribers to memorandum, s. 16 (5)
- sums due for dividends or profits available to creditors on winding up, s. 218 (1) (g)
- votes at meetings of—*see* **Meetings of Members**
- who are, s. 16 (5)

Member's Voluntary Winding Up—see **Winding Up, Voluntary****Memorandum of Association—see also** **Objects of Company ; Powers of Company**

- alteration of, s. 21
 - copy issued after, to note alteration, s. 34 (2)
 - court, by order of, where complaint by member of oppression, s. 186
 - power of company to make further resolutions, s. 186 (4)
 - alteration to have same effect as if by resolution, s. 186 (4)
 - increasing members' liability, requirement of consent, s. 33 (3)
 - objects clause, of, s. 28—*see* objects of company *below*
 - proprietary company, conversion to public company, s. 26 (2)
 - public company, insertion of provisions necessary for proprietary company, s. 26 (1)
 - registration of, s. 21 (2)-(6)
 - share capital, with respect to, s. 62
 - reduction, s. 64 (1), (8)
- capital, alteration with respect to—*see* alteration of *above*
- contents—*see* requirements *below*
- copy
 - alterations to be noted on, s. 34 (2)
 - copies of certain agreements to be annexed to, s. 34 (3)
 - to be available to members, s. 34
- dated, to be, s. 18
- debt due under, to be specialty debt, s. 33 (2)
- deemed under seal of member, s. 33 (1)
- directors, restrictions on naming of, in, s. 115
- effect upon members when registered, s. 33 (1)
- formation of company, s. 14
- guarantee, company limited by
 - not having share capital provision giving right to participate in profits other than as [member void, s. 32
 - companies deemed to have share capital, s. 32 (2)
 - to state that liability of members is limited and amount, s. 18 (1) (e)
- money due from members under, is specialty, s. 33 (2)
- name of company to be stated in, s. 18 (1) (a)
- names addresses and occupations of subscribers to be stated in, s. 18 (1)
- no-liability mining company, requirements in case of, s. 18 (1)
- objects of company—*see also* **Powers of Company**
 - alteration of, s. 28
 - application for cancellation, s. 28 (5)-(9)
 - notice to be given to members, s. 28 (2)-(4)
 - registration, s. 28 (8), (9)
 - to be stated in, s. 18 (1) (b)
- powers of company—*see* **Powers of Company**
- preference shares, rights attached to, to be set out in (where not in articles), s. 66
- proprietary company, s. 15
- registration of, s. 16
 - certificate of incorporation issued by Registrar, s. 16 (3)
 - relodging if lost or destroyed, s. 13
- requirements as to, s. 18
 - proprietary company, s. 15
- rights attached to shares, provisions for variation or abrogation of, s. 65
- share capital to be stated in, s. 18 (1) (c)

Memorandum of Association—*continued*

- statements to be included in, s. 18
 - that liability of members is limited, s. 18 (1) (d), (e)
 - means limited to amount unpaid on shares held, s. 18 (3)
- subscribers to
 - are members of company, s. 16 (5)
 - information as to, statement of, s. 18 (1)
 - to sign articles, s. 29 (1)
 - to state in words number of shares they agree to take and to sign memorandum, s. 18 [(2)]

Memorandum of Satisfaction of Charge, s. 105**Minimum**

- number of directors, s. 114 (1)
- number of members, s. 36
 - reduction below
 - ground for winding up, s. 221 (1) (d)
 - prohibition of carrying on business, s. 36

Minimum Subscription, s. 48

- defined*, s. 48 (2)
- allotment not to be made before subscription of, s. 48 (1)
 - allotment voidable where contravention, s. 48 (5)
- amount payable on application, s. 48 (3)
- calculation of, s. 48 (2)
- contravention of statute
 - allotment voidable, s. 48 (5)
 - liability of directors
 - criminal liability, s. 48 (6)
 - to pay compensation, s. 48 (6)
 - to repay moneys received, s. 48 (4)
- not subscribed, liability of directors to repay moneys received, s. 48 (4)
- waiver void, s. 48 (7)

Mining Company—*see also* No-Liability Company

- defined*, s. 5 (1)
- mining purposes defined*, s. 5 (1)
- no-liability company, may be, s. 14 (2)

Minister, The

- bankrupt, notice of intention to apply for leave to act as director to be served on, s. 117 (2)
- books and papers, application for production where offence suspected, s. 368
- consent of to taking proceedings for offences after three years, s. 382 (2) (5)
- foreign company, inspection of accounts of, s. 297 (2)
- investigation of company affairs, reference of report by Governor where person guilty of [offence, s. 169 (5)]
 - officers and agents of company to assist in prosecution, s. 169 (6)
 - prosecution on, proceedings may be brought by, s. 169 (7)
- licence to delete "Limited", grant of, in case of charitable and other companies, s. 24
- special investigations, in
 - actions or proceedings suspended unless with consent, s. 174 (1)
 - information as to persons interested in shares or debentures, may require, s. 178
 - petition for winding up of company, s. 175
 - report to be made to Minister, s. 173 (2)

Minutes—*see also* Meetings of Members

- books
 - form of keeping, s. 369 (1)
 - precautions to be taken where not kept in bound book, s. 369 (2)
- chairman of meeting to sign, s. 148 (1) (b)
- company to keep, of all proceedings of general meetings and of meetings of directors and [managers, s. 148 (1) (a)]
- effect of entry and signature, s. 148 (3)
- evidence, as, s. 148 (2)
- general meetings, of, members' right of inspection and to be furnished with copies, s. 149
- liability for default in keeping according to statutory requirements, s. 148 (4)

Misfeasance

promoter, liquidator or officer guilty of, court may assess damages, s. 305

Misleading Statements, liability for, s. 375**Moneys**

allotment—*see* **Allotment**

application—*see* **Shares**

Mortgage

of shares by deposit, s. 385

Mortgages—*see* **Charges ; Debentures****Mutual Credits**, in winding up, s. 245 (2)**Mutual Life Assurance Companies**—*see* **Life Insurance Companies****Name of Company**, ss. 22-24, 113

abbreviations in, s. 22

accounts, statements of, to appear legibly in, s. 113 (1) (b)

“and reduced”, court may order addition of, s. 64

bills of exchange, to appear legibly in, s. 113 (1) (b)

business letters, to appear legibly in, s. 113 (1) (b)

change of, s. 23

conversion of public to proprietary company or proprietary to public company, s. 26
effect, s. 23 (4)

power of company, s. 23 (1)

where company has name contravening requirements of Act, s. 23 (2)

direction by Registrar, s. 23 (2)

where company incorporated pursuant to previous Act, s. 23 (4)

charitable, etc., companies, licence by Minister to omit “Limited”, s. 24

cheques, to appear legibly in, s. 113 (1) (b)

direction by Minister to Registrar not to accept name, s. 22 (1), (2)

displayed, where business carried on, to be, s. 113 (3)

indorsements, to appear legibly in, s. 113 (1) (b)

“in liquidation” to be added, where company being wound up, s. 283

invoices, to appear legibly in, s. 113 (1) (b)

letters of credit of company, to appear legibly in, s. 113 (1) (b)

liability for issue of documents on which name not mentioned, s. 113 (2)

“Limited” as last word of, s. 22 (3)

abbreviation to “Ltd.”, s. 22 (6) (c)

licence by Minister to omit, charitable, etc., companies, s. 24

use by unincorporated person an offence, s. 377

“No-liability” as last word of, s. 22 (4)

abbreviation to “N.L.”, s. 22 (6) (e)

use by unincorporated person an offence, s. 377

notices, to appear legibly in official, s. 113 (1) (b)

orders, to appear legibly in, s. 113 (1) (b)

prohibition of undesirable name or name which Minister has directed Registrar not to accept,

promissory notes, to appear legibly in, s. 113 (1) (b)

[s. 22 (1)

proprietary company

conversion to public company, alteration of name, s. 26 (1) (a), (4)

“Proprietary” or “Pty.” to be part of name, s. 22 (5), (6) (b)

publications of company, to appear legibly in, s. 113 (1) (b)

public company, conversion to proprietary company, alteration of name, s. 26 (2) (a), (4)

receipts of company, to appear legibly in, s. 113 (1) (b)

reservation of intended name, s. 22 (7) (b)

seal, to be in legible characters on, s. 113 (1) (b)

liability for use of seal on which name does not appear, s. 113 (2) (a)

undesirable, company not to be registered by, s. 22 (1)

Negligence

power of court to assess damages, on winding up, s. 305

relief from liability for

court may grant, s. 365

provisions for, in articles, contract or otherwise, void, s. 133

indemnity by company, in respect of successful defence to proceedings or where
[court relieves, s. 133 (2)

No-liability, penalty for improper use of word, s. 377

No-Liability Company, ss. 319-333, 4 Sch., Table B—*and see* Table B

defined, s. 5 (1)

annual return, particulars of calls and sales of forfeited shares to be lodged with, 8 Sch. I, 10

application of Act to, s. 319

articles, adoption or incorporation of Table B, s. 30—*and see* Table B

calls

non-payment, forfeiture of shares—*see* forfeiture of shares *below*

notice of day on which payable to be printed on share certificates, s. 322 (2)

notice of, how given, s. 322 (3)

particulars to be lodged with annual return, 8 Sch. I, 10

shareholder not liable to pay, s. 320

subsequent, not to be made until after seven days from previous call, s. 322 (1)

time when payable, s. 322 (1)

when due, s. 322

contributions, shareholder not liable to pay, s. 320

discount, issue of shares at, s. 59 (8)

dividends

not payable on any share on which calls due and unpaid, s. 320

payable on shares held irrespective of amount paid up, s. 321

proportionate to amounts paid on shares may not be paid, s. 55 (c)

forfeiture of shares

non-payment of calls, shares thereupon forfeited, s. 323

redemption of forfeited shares, s. 323

company's office to be open on day before advertisement of sale, s. 329

sale of forfeited shares—*see* sale of forfeited shares *below*

memorandum to contain statement that acceptance of shares shall not constitute contract to
[pay calls or make contributions, s. 18 (1) (g)]

minimum payment on application, s. 48 (3)

money payable to, by member, s. 33 (2)

name—*see* "No-liability" *below*

"No-liability"

abbreviation to "N.L.", s. 22 (6) (e)

improper use of, s. 377

to be part of and at end of name, s. 22 (4)

promoters—*see* shares *below*

proprietary company, may not be, s. 15 (1)

provisions of Act applicable to, s. 319

sale of forfeited shares, ss. 323, 324, 326, 327

advertisement of, ss. 323 (2), 326 327 (2)

manner of, s. 326 (2)

postponed sale, s. 327 (2)

specific numbers need not be advertised, s. 326 (1)

application of proceeds, s. 323 (6)

calls may be included in amount credited as paid up on, s. 323 (5)

cessation of business within twelve months, shares issued for cash to subscribers

rank in priority to shares issued to vendors or promoters other than for cash, s. 331

company's office to be open on day before advertisement of sale, s. 329

default in compliance with provisions of Act, s. 323 (4)

particulars of sales to be lodged with annual return, 8 Sch. I, 10 (b)-(d)

postponement of sale, s. 327

public auction within six weeks, to be offered for sale by, s. 323 (1)

redemption of forfeited shares, s. 323

reserve price may be fixed, s. 324

withdrawal from sale if service price not offered, s. 324 (2)

sale not held owing to error or inadvertence, not invalid if held promptly after
[discovery, s. 323 (3)]

unsold shares held in trust for company and to be disposed of according to articles
[or as determined by ordinary resolution, s. 324 (3)]

amount credited as paid up on re-issue or sale, s. 325

no call to have any effect upon, s. 325

to be offered to shareholders first, s. 324 (4)

shares

calls on—*see* calls *above*

certificates, notice to be printed on, of day on which calls payable, s. 322 (2)

dividends on—*see* dividends *above*

forfeiture—*see* forfeiture; sale of forfeited shares *above*

No-Liability Company—continuedshares—*continued*

- issue at discount, s. 59 (8)
- minimum payment on application, s. 48 (3)
- return as to allotment, particulars to be included in, s. 54 (1), (2)
- vendors' or promoters' rights of holders in winding up
 - not entitled to any preference, s. 332
 - postponement to shares issued for cash, s. 331
- statutory meeting of, s. 135
- statutory report of, s. 135
- tribute arrangements, restrictions on, s. 333
- vendors or promoters—*see* shares *above*
- winding up
 - restriction of rights of holders of vendors' and promoters' shares—*see* shares *above*
 - surplus assets, distribution of, s. 330

Non-Compliance—see Offences and Penalties**Notices—see also, as to notices to be lodged with Registrar, Appendix B to this index**

- alteration of memorandum, of proposal for, s. 28 (2), (3)
- company, by
 - manner of giving, Table A cl. 108, Table B cl. 90
 - dead or bankrupt, where member is, Table A cl. 110, Table B cl. 92
 - joint holders of shares, to, Table A cl. 109, Table B cl. 91
 - name and situation of registered office to appear legibly in official, s. 113 (1) (b)
 - liability of officer for failure, s. 113 (2)
- company to, may be addressed to registered office, s. 111 (1)
- "document" includes, s. 5 (1)
- general meeting, of, manner of giving and to whom to be given, s. 138 (2), Table A cl. 111, [Table B cl. 93]
- "prospectus" includes, s. 5 (1)
- reduction of capital
 - notices to be published with respect to entry on list of creditors in, s. 64 (2)
 - publication of notice of, court may direct, s. 64 (4)
- resolution requiring special notice, s. 145
- service of, where company defunct, s. 308 (6)

Objects of Company—see also Powers of Company

- alteration of, s. 28
 - application for cancellation, s. 28 (5)-(7)
 - notice to members and trustees for debenture holders, s. 28 (2)-(4)
 - registration of copy, s. 28 (8), (9)
 - special resolution, to be by, s. 28 (1)
- memorandum, to be set out in, s. 18 (1) (b)
- restricted to charitable, etc., purposes, omission of "Limited" from name, s. 24

Offences and Penalties, ss. 374-381—and see the table of offences and penalties in Appendix A [to this index]

- default penalty defined*, ss. 5 (1), 380 (1), (2)
- officer who is in default defined*, s. 380 (3)
- application of penalty towards costs or compensation s. 382 (6)
- default penalty
 - defined*, ss. 5 (1), 380 (1), (2)
 - indicates liability to additional penalty for each day during which offence continues, s. 380 (1)
 - where failure to comply with requirement to do anything within particular period, s. 380 (2)
- non-compliance with Act is an offence, s. 379 (1) [380 (2)]
- penalty or punishment
 - default penalty—*see* default penalty *above*
 - maximum, s. 379 (2)
 - set out in or at foot of section or part thereof, s. 379 (3)
- proceedings may be taken by Registrar or with written consent of Minister by any person, [s. 382 (1)]
- regulations may impose penalty not exceeding £20, s. 396 (1)
- relief, power of court to grant, in proceedings for negligence default breach of duty or breach [of trust, s. 365]

Offences and Penalties—continued

- summary conviction, offences punishable on, s. 382 (3)
 - proceedings may be brought within three years after commission of offence, s. 382 [(2)]
- suspicion of offence, court may order inspection or production of books or papers, s. 368
- time for proceedings, s. 382 (2)

Offer for Sale to Public of Shares or Debentures

- defined*, s. 5 (6)
- advertisement deemed prospectus unless contents comply with requirements set out in Act, hawking of, ss. 374, 375, 381
- prospectus, when deemed, s. 43 (1), (2) [s. 40]
 - liability where provisions relating to prospectuses not complied with, s. 43 (4)
 - provisions of Act relating to prospectuses to apply as if offerors named as directors, signature by corporation or firm, s. 43 (5) [s. 43 (3)]
- what constitutes offer to public, s. 5 (6)

Office

- company of—*see* **Registered Office**
- director of—*see* **Directors**
- loss of—*see* **Loss of Office**

Officers of Company, ss. 114-134—*and see* Directors; *and* as to offences by officers, Appendix A

- defined*, s. 5 (1) [to this index]
- for purposes of investigation and special investigation provisions, ss. 168 (2), 172 (1)
- officer who is in default defined*, s. 380 (3)
- appointment of, deemed valid where minutes recorded and signed, s. 148 (3) (c)
- auditor, disqualification from appointment as, s. 9 (1) (c)
 - related company, officer of, s. 9 (2)
- auditors to give information to, s. 167 (3)
- bankrupt not to take part in management without leave of court, s. 117
- bill of exchange, liability on, where name of company does not appear, s. 113 (2)
- cheque, liability on, where name of company does not appear, s. 113 (2)
- conviction of certain offences, persons convicted disqualified from taking part in management [without leave of court, s. 122]
- damages, power of court to assess, against delinquent officer on winding up of company, s. [305]
- defect in qualification of director or manager or secretary, acts valid notwithstanding, s. 119
- directors—*see* **Directors**
- duty not to make use of information gained as officer to gain improper advantage for himself [or cause detriment to company, s. 124 (2)-(4)]
- examination of, s. 249
 - public, s. 250
- indorsement, liability on, of, where name of company does not appear, s. 113 (2)
- inspection and special investigation provisions, in relation to
 - officer defined*, ss. 168 (2), 172 (1)
 - inspector, duty to produce books and documents to, s. 171 (2)
 - investigation, refusal to produce books or answer questions in, s. 171 (5)
- liability for negligence, default, breach of duty or breach of trust
 - court may grant relief, s. 365
 - indemnification provisions void, s. 133 (1)
 - indemnity against liability in defending proceedings where successful, s. 133 (2), [Table A cl. 113, Table B cl. 96]
 - power of court to assess damages, on winding up, s. 305
- managers—*see* **Managers**
- name of company, liability for default as to provisions regarding, s. 113 (2)
- negotiable instruments, liability where name of company does not appear, s. 113 (2)
- offences by—*see* Appendix A to this index
 - officer who is in default defined*, s. 380 (3)
- suspected, court may order production and inspection of books, s. 368
- official notice or publication, liability on, of, where name of company does not appear, s. [113 (2)]
- orders, liability on, where name of company does not appear, s. 113 (2)
- promissory notes, liability on, where name of company does not appear, s. 113 (2)
- public examination of, s. 250
- receiver, disqualification from acting as, s. 187 (1) (c)
- register of directors, managers and secretaries, s. 134

Officers of Company—*continued*

returns, default by company in filing, liability of responsible officer for costs of enforcement
 secretary—*see* **Secretary** [application, s. 12 (9)]
 winding up, duties in and offences by—*see* **Winding Up ; Winding Up by the Court ; Winding Up, Voluntary**

Official Liquidator—*see* **Liquidators****Official Management**, ss. 198-215

official manager defined, s. 201 (1) (a)

special notice defined, s. 215

special resolution defined, s. 215

accounts and report to be submitted to meetings of company and creditors and filed at least [six-monthly, s. 202 (2)]

appeal by creditors or members to court, s. 210 (2), (3)

appointment of special manager—*see* meeting of creditors *below*

assets of company

application of, s. 207

official manager to take possession, s. 205 (1) (a)

sale or disposal of, s. 207 (1) (a)

auditors, appointment and duties not affected by special management, s. 204

business letters to state fact of official management, s. 212

cancellation by court of appointment of official manager, s. 209

committee of management

appointment by special resolution at meeting of creditors, s. 201 (1) (e)

functions, s. 213

power to call meeting of creditors or members, s. 213 (2)

proceedings of, application of provisions relating to committee of inspection, ss. 213 [(3), 242 (2)-(9)]

company unable to pay debts, calling of meeting of creditors for purpose of placing under [official management, s. 198]

costs, s. 207 (2), (3)

to be paid in preference to all other liabilities, s. 202 (1) (b)

creditors

appeal to court against appointment of special manager, s. 210 (2), (3)

meeting of—*see* meeting of creditors *below*

notice to be given to, of resolution for official management and right of appeal, s. 201

secured, rights not affected, s. 202 (3) [(2) (b)]

directors

cease to hold office, s. 202 (b)

official manager may perform functions and exercise powers of, s. 202 (1) (a)

dispositions of property, avoidance of, s. 206

documents to state fact of official management, s. 212

invoices to state fact of official management, s. 212

liabilities incurred by official manager payable in order of incurring and in preference to

meeting of creditors [unsecured debts, s. 202 (1) (a)]

accidental omission to give or non-receipt of notice does not invalidate proceedings, [s. 214]

adjournment, power of, s. 200 (b)

appointment of official manager by special resolution, s. 201 (1)

appeal, right of creditors or members, s. 210 (2), (3)

binding on company and creditors and members, s. 210 (1)

effect, s. 202

filing with Registrar of copy of resolution and statement of affairs, s. 201 (2) (a)

notice to be given to creditors and members of resolution and right of appeal, [s. 201 (2) (b)]

salary or remuneration may be determined, s. 201 (1) (b)

calling by company unable to pay debts, s. 198

procedure for calling, s. 198 (2)

to be held at time and place convenient to majority in value of creditors, s. 198 [(2)-(4)]

committee of management, determination to appoint, s. 201 (1) (c)

conduct of proceedings as determined by creditors present, s. 200 (c)

directions may be given to official manager by special resolution, s. 205 (1) (c)

power of committee of management to call, s. 213

statement of affairs to be submitted to, s. 200 (a)

members of company

appeal to court against appointment of special manager, s. 210 (2), (3)

meeting of

accidental omission to give or non-receipt of notice does not invalidate proceed-

power of committee of management to call, s. 213 [ings, s. 214]

notice to be given to, of resolution for special management and right of appeal, s. 201 [(2) (b)]

Official Management—continued

official manager

defined, s. 201 (1) (a)accounts and report to be submitted to meetings of company and creditors and filed
[at least six-monthly, s. 202 (2)]

acts pending determination of appeal valid, s. 210 (3)

appointment—*see* meeting of creditors *above*

calling of meeting to appoint, s. 198

cancellation by court of appointment, s. 209

deputy, appointment by committee of management, s. 213 (1) (b)

duties, s. 205

accounts and annual returns, as to, s. 205 (1) (e)

conduct of management, s. 205 (1) (b)

liability for non-compliance, s. 205 (2)

to comply with directions of creditors agreed to by special resolution, s. 205

to convene annual general meeting, s. 205 (1) (f)

[(1) (c)]

to file notice of resignation or removal, s. 205 (1) (d)

to inform creditors and members if he is of opinion that continuance of official

management will not enable company to meet its obligations, s. 205 (1) (g)

to perform duties imposed by Act on company and directors, s. 205 (1) (e)

to take possession of assets, s. 205 (1) (a)

may perform functions and exercise powers of directors, s. 202 (1) (a)

release, s. 211

salary or remuneration, s. 201 (1) (b)

termination of appointment, s. 203

winding up petition by, s. 221 (1) (f)

orders for goods to state fact of official management, s. 212

release of official manager, s. 211

secured creditors, rights not affected, s. 202 (3)

stay of proceedings after service of notices of meeting, s. 199

undue preferences, avoidance of, s. 206

winding up

in lieu of, s. 198 (1)

petition by official manager, s. 221 (1) (f)

winding up provisions, application of, ss. 207 (3), 208

costs of official management, s. 207 (3)

court may order application of sections other than those enumerated, s. 208 (2)

examination and public examination, ss. 208 (2), 349, 350

fraudulent trading, responsibility for, ss. 208 (1), 304

inspection of books, ss. 208 (1), 248

power of court to assess damages against delinquent officers, ss. 208 (1), 305

prosecution of delinquent officers and members, ss. 208 (1), 306

sums due to members, ss. 208 (1), 218 (1) (g)

Official Manager—see Official Management**Official Receiver**notice of intention of undischarged bankrupt to apply for leave to act as director to be served
[on, s. 117 (2)]**Onerous Property**

disclaimer in winding up, s. 296

Options

to take up unissued shares

after five years from date of grant void, s. 68 (1)

exception where debenture holders have right to take up by way of redemption,
[s. 68 (2)]

report attached to balance sheet to contain particulars, s. 162 (8)

Orders

continuance of orders made under repealed Acts, s. 4 (1) (c)

for goods, where company under official management, to state that fact, s. 212

name of company to appear in, s. 113 (1) (b)

Ownership of Company, appointment and powers of inspectors to investigate, s. 177

Paid-up Shares

allotment as paid up otherwise than in cash, statement to be filed, s. 54 (5)
 conversion into stock, and reconversion, s. 62 (1) (c)
 paying off of, on reduction of capital, s. 64 (1) (c)

Parol Contract of company, s. 35 (1) (c)

Partnership

limit to number of persons forming, s. 14
 unincorporated, application of provisions relating to winding up of unregistered companies,
 [s. 314 (1)]

Patents

balance sheet, showing amount in, 9 Sch. 2 (1) (f) (vi)
 implied power of company in respect of, 3 Sch. 3

Patriotic Purposes, company may make gift for, s. 19 (a)

Penalties—*see* **Offences and Penalties**

Petition—*see* **Winding Up by the Court**

Perpetuities, Rule Against, non-application to fund or scheme for benefit of any employee of
 [company, s. 386]

Personal Representatives—*see* **Executors and Administrators**

Place of Business

name of company to be displayed on, s. 113 (3)

Poll—*see also* **Meetings of Members**

directors, appointment of, by, s. 118 (6)
 special resolution, on, s. 144 (4)

Power of Attorney of Foreign Company

lodging with Registrar, s. 346 (1) (e)

Powers

court, of—*see* **Court**
 directors, of—*see* **Directors**

Powers of Company, ss. 19-36—*and see* **Articles ; Memorandum of Association ; Name of
 [Company ; Objects of Company**

implied, unless excluded by memorandum or articles, s. 19 (c), 3 Sch.
 acquiring business property, etc., of person for purposes of company, 3 Sch. 2
 advertising, 3 Sch. 17
 amalgamation or entering into partnership, etc., 3 Sch. 4
 applying for or otherwise acquiring patents of copyrights, trade marks, etc., 3 Sch. 3
 arrangements with Government or authority when conducive to the company's
 borrowing, 3 Sch. 13 [business, 3 Sch. 6]
 carrying on any other business which may be conveniently carried on, 3 Sch. 1
 carrying out objects as principal agent, trustee or by trustees or agents, 3 Sch. 25
 construction, improvement, etc., of buildings, factories, wharves, roadways, etc.,
 [3 Sch. 10]
 distributing property among members where no reduction of capital involved, 3 Sch.
 [23]
 establishment of funds for employees, directors and defendants, 3 Sch. 7
 holding mortgages, liens, etc., to secure payments of purchase price of company's
 [property, 3 Sch. 24]
 holding shares, debentures, etc., in other company, 3 Sch. 5
 investment and dealing with money of the company, 3 Sch. 11
 issuing and allotting shares, 3 Sch. 22
 lending and advancing money, 3 Sch. 11
 negotiable instruments, 3 Sch. 15
 power to purchase, lease, etc., property, 3 Sch. 9
 promotion of other companies, 3 Sch. 8
 promotion of statutes, orders, etc., in company's interest, 3 Sch. 19
 procuring registration of recognition of company outside State, 3 Sch. 20

Powers of Company—continued

implied, unless excluded by memorandum or articles—*continued*

- remuneration for services rendered in placing shares or in promotion of company, etc., [3 Sch. 14
- securing grant of licences or other privileges from Government or other authority, [3 Sch. 18
- selling, disposing of undertaking of company, 3 Sch. 16
- selling, managing or dealing with property or rights of the company, 3 Sch. 21
- things incidental or conducive to the attainment of objects of company, 3 Sch. 26
- proprietary company, conversion to public company, s. 26
- public company, conversion to proprietary company, s. 26
- to make donations for patriotic or charitable purposes, s. 19 (a)
- to transact business in aid of prosecution of war in which Commonwealth engaged, s. 19 (b)
- ultra vires* transactions, s. 20
 - act, conveyance or transfer not invalid by reason only that it was *ultra vires*, [s. 20 (1)
 - petition by Minister for winding up, lack of power may be relied on, s. 20 (2) (c)
 - proceedings by company or members against officers, lack of capacity may be relied [on, s. 20 (2) (b)
 - proceedings to restrain act, conveyance or transfer, lack of capacity may be relied [on, s. 20 (2) (a)
 - court may set aside contract and allow compensation for loss or damage, [s. 20 (3)

Preferences, Avoidance of

- official management, where company placed under, s. 206
- winding up, on, s. 293

Preference Shares—see also Shares

- allotment prohibited unless rights of shareholders set out in memorandum or articles, s. 66
- authority to issue, Table A cl. 2, Table B cl. 2
- issue ranking *pari passu* with existing preference shares is variation of rights attached to existing shares, s. 65 (6)
- redeemable, issue of, s. 61, Table A cl. 3, Table B cl. 3
 - capital redemption reserve, funds to be transferred to, where redeemed otherwise [than by fresh issue, s. 61 (5)
 - may be used in paying up unissued shares to be issued as fully paid bonus fresh issue on redemption, s. 61 (6) [shares, s. 61 (7)
 - notice to be given to Registrar of redemption, s. 61 (8)
 - premium payable on redemption to be provided out of profits or share premium [account, s. 61 (4)
 - share premium account may be applied to, ss. 60 (2), 61 (4)
 - redemption does not reduce authorized share capital, s. 61 (2)

Preliminary Expenses

- account or estimate to be included in statutory report, s. 135 (3) (c)
- balance sheet, to be shown in, 9 Sch. 2 (1) (f) (i)
- prospectus, to be stated in, 5 Sch. I, 13
- statement in lieu of prospectus, to be stated in, 6 Sch. I

Premium

- issue of shares at, amounts of premium to be transferred to share premium account, s. 60
- application of account, s. 60 (2)
- to redemption of preference shares, ss. 60 (2) (e), 61 (4)

Previous Acts, s. 4**Principal Register**

defined, s. 5 (1)

Printed

defined, s. 5 (1)

Priority of Debts

- in winding up, s. 292
 - advances for purpose of wages, salary, annual leave or long service leave, s. 292 (3)
 - annual leave or long service leave, amounts due for, s. 292 (1) (d)
 - Crown, provisions bind, s. 217
 - costs and expenses of winding up, s. 292 (1) (a)
 - debenture holders under floating charge, postponement to certain debts, s. 292 (4)
 - debts in each class rank *pari passu*, s. 292 (2)

Priority of Debts—continued

in winding up—*continued*

- indemnity for costs of litigation given by certain creditors, order in favour of those creditors in respect of amount recovered, s. 292 (9)
- rates, land tax and income tax, s. 292 (1) (e)
- third party insurance, amount received under liability insured against, s. 292 (5), (6)
- wages or salary of employee, s. 292 (1) (b)
- worker's compensation liability accrued due before winding up, s. 292 (1) (c)
- official management, where company placed under, s. 207 (3)
- when receiver appointed or possession taken under debentures, s. 196

Private Company

defined, s. 5 (1)

- exemption of certain local companies from duty to lodge accounts, s. 398
- when required to become public company, s. 399

Privileged Communications

to legal practitioner, inspector may not require disclosure except as to name and address of [client, s. 367

Probate, proof of grant of, s. 95 (5)

Proceedings

legal—*see* **Legal Proceedings**

meetings, at—*see* **Meetings ; Meeting of Members**

winding up—*see* **Winding Up ; Winding Up by the Court ; Winding Up, Voluntary**

Production of Documents

- at examination by court of persons connected with company, s. 249 (1)
- may be ordered by court where offence suspected, s. 365

Profit and Loss Account—*see* **Accounts**

Profits

- allotment of preference shares prohibited unless preference shareholders' rights set out in [memorandum or articles, s. 66 (1)
- capitalization of, Table A cl. 106, 107, Table B cl. 88, 89
- dividends to be paid out of, s. 376, Table A cl. 100, Table B cl. 83
- share premium account, application to issue of shares as dividends, s. 60 (2) (c)

Promissory Note

liquidator may draw or accept, s. 236 (2) (f)

Promoter—and see Prospectus

defined, s. 5 (1)

- conviction of offence in connection with promotion, prohibition of taking part in management [without leave of court, s. 122
- delinquent, power of court to assess damages in winding up, s. 305
- examination and public examination of, in winding up, ss. 249, 250—*and see* **Examination**
- liability to pay compensation for untrue statement or wilful non-disclosure in prospectus, [s. 46
- no-liability company, shares issued to promoter not entitled to any preference on winding up, [s. 332
- power to apply money or shares received from company in payment of commission, s. 58 (4)

Proof of Debts—*see* **Winding Up**

Property

- avoidance of dispositions on winding up, s. 293
- charges on—*see* **Charges**
- disclaimer of onerous, in winding up, s. 296
- dissolution of company, outstanding on—*see* **Dissolution**
- examination of persons having or suspected to have property of company, s. 249
- implied powers of company as to—*see* **Powers of Company**

“**Proprietary**”, restriction on use of word, s. 378

Proprietary Company, s. 15—see also Exempt Proprietary Company

- defined, s. 5 (1)*
 annual return, 8 Sch.
 articles—*see* incorporation as *below*
 certificate of incorporation to state that company is, s. 16 (3)
 default in compliance with requirements, s. 27
 company may cease to be proprietary company, s. 27 (1), (2)
 company may not convert to proprietary company again without leave of effect, s. 27 (3) [court, s. 27 (5)]
 order of court to be lodged with Registrar, s. 27 (3) (6)
 power of court to grant relief, s. 27 (4)
 liability of company and officers, s. 27 (7)
- deposit of money
 arrangement through solicitor, broker, agent or other person who invites use of his services in arranging investments, company and all parties guilty of offence, s. 27 (7)
 invitation to public prohibited, s. 15 (1) (c)
 breach, court may order that company ceased to be public company, s. 27 (1), [(4)]
- directors of
 one at least, s. 114 (1)
 one at least to be natural person normally residing in Australia, s. 114 (2)
 restrictions on appointment of, non-application of provisions regarding, s. 115 (3) (b)
 sole director of, not to be or act as secretary, s. 132 (2)
- exempt—*see* **Exempt Proprietary Company**
- holding company which is public company holding all of issued shares, ss. 36, 222 (1) (d)
 incorporation as, conditions, restrictions and limitations to be included in memorandum or [articles, s. 15]
- certificate to state that company is proprietary company, s. 16 (3)
 default in compliance—*and see* default in compliance *above*
 with provisions as to restriction of transfer of shares or maximum number of members, Registrar may determine that company ceased to be proprietary company, s. 27 (2), (4)
 with provisions prohibiting invitation to public to subscribe or deposit money, court may order that company ceased to be proprietary company, s. 27 (1), (4)
 number of members limited to fifty, s. 15 (1) (b)
 prohibition of invitation to public to deposit money, s. 15 (1) (d)
 prohibition of invitation to public to subscribe for shares or debentures, s. 15 (1) (c)
 restriction on right to transfer shares, s. 15
 alteration of restriction, s. 15
 transitional provisions, s. 15
- local—*see* **Private Company**
- meeting of members, quorum is two, s. 140 (1) (a)
- memorandum—*see* incorporation *below*
- name of—*see* "Proprietary" *below*
- no-liability company may not be, s. 15 (1)
- number of members
 maximum is fifty, s. 15 (1) (b)
 minimum is two, s. 14 (1)
 reduction below statutory minimum
 prohibition of carrying on business, s. 36
 winding up by the court, ground for, s. 222 (1) (d)
 whole of issued shares held by holding company which is public company, ss. 36, 222 [(1) (d)]
- "Proprietary"
 abbreviation to "Pty", s. 22 (5), (6) (b)
 liability for improper use of, s. 378
 to be part of name, s. 22 (5)
- public company—*see also* default in compliance *above*
 may convert to proprietary company, s. 26 (1), (3), (4)
 proprietary company may convert to, s. 26 (2)-(4)
- public invitation to deposit money prohibited, s. 15 (1) (d)
- public invitation to subscribe for shares or debentures prohibited, s. 15 (1) (c)
- secretary shall not be or act as sole director, s. 132 (2)
- statutory meeting and statutory report, s. 135
- subscription for shares or debentures
 arrangement through solicitor, broker, agent or other person who invites use of his services in arranging investments, company and all parties guilty of offence, s. 27 [(7)]
 invitation to public prohibited, s. 15 (1) (c) [(7)]
 breach, court may order that company ceased to be public company, s. 27 (1), [(4)]
- transfer of shares must be restricted, s. 15 (1) (a) [(4)]
- winding up by the court, reduction below statutory minimum as ground for, s. 228 (1) (d) [(4)]

- Prosecution**—*see also* **Offences and Penalties**, and table published as an appendix to this index
 investigation of company's affairs, arising out of, s. 169 (7)
 summary conviction
 offences punishable on, s. 382 (3)
 proceedings to be brought within three years or later with consent of Minister,
 s. 382 (2)
 who may bring proceedings, s. 382 (1)
 any person with consent of Minister, s. 382 (1)
 Registrar, s. 382 (1)
- Prospectus**, ss. 37-47, 5 Sch.
defined, s. 5 (1)
untrue statement in defined, s. 5 (3)
 advertisement deemed prospectus unless contents comply with requirements set out in Act,
 [s. 40
 application form for shares or debentures may not be issued without, s. 37
 exception where not offered to public, s. 37 (2)
 auditor
 named in, consent to be obtained before issue and verified copy filed, s. 39 (1) (h)
 particulars to be specified, 5 Sch. I, 16
 reports to be set out in prospectus—*see* reports *below*
 banker named in, consent to be obtained before issue and verified copy filed, s. 39 (1) (h)
 brokerage, amount of, to be disclosed in, s. 58 (3)
 commission for subscription for shares, amount or rate to be set out in, s. 58 (1) (c) (i), 5 Sch.
 contents, s. 39, 5 Sch. [I, 12
 purchase money defined, 5 Sch. III, 26
 vendor defined, 5 Sch. III, 25, 26
 auditors, 5 Sch. I, 16
 business carried on for less than three years, length of time of carrying on, 5 Sch. I, 19
 commission, s. 58 (1) (c) (i), 5 Sch. I, 12
 condition waiving compliance with requirements void, s. 39 (3)
 contracts, 5 Sch. I, 15
 debentures
 amount of subscriptions sought, 5 Sch. I, 5 (b)
 borrowing power of company, 5 Sch. I, 5 (a)
 option for, 5 Sch. I, 8
 reservation of right to retain oversubscriptions, as to, s. 41, 5 Sch. I, 5 (c)
 directors
 interest in company, 5 Sch. I, 17; III, 24
 names, etc., 5 Sch. I, 3
 qualification shares of, 5 Sch. I, 2; III, 24
 remuneration of, 5 Sch. I, 2
 expert
 interest in company, 5 Sch. I, 17
 statement by—*see* expert, statement, etc., by *below*
 foreign company, additional requirements, s. 39 (1) (i), (2)
 liability for non-compliance, s. 39 (3)-(7)
 minimum amounts to be raised for purchase of property, preliminary expenses,
 repayment of money borrowed and working capital, and sources of other moneys
 out of which amounts to be provided, 5 Sch. I, 4
 number of shares and debentures issued as paid up otherwise than in cash within
 [two preceding years, 5 Sch. I, 9
 person named as trustee for debenture holders, auditors, banker, solicitor, stockbroker
 [or sharebroker, consent to be stated, s. 39 (1) (h)
 preliminary expenses, 5 Sch. I, 13; II, 24
 promoter, payments to, 5 Sch. I, 14
 property acquired or purchased out of proceeds of issue, 5 Sch. I, 10, 11; III, 25, 26,
 reports to be set out in—*see* reports *below* [28
 shares
 amount payable on allotment and application, 5 Sch. I, 7
 founders or management or deferred, 5 Sch. I, 1
 option for, 5 Sch. I, 8; III, 27
 qualification of directors, 5 Sch. I, 2; III, 24
 where divided into classes, 5 Sch. I, 18
 statement of lodgment with Registrar and that Registrar takes no responsibility for
 [contents, s. 39 (1) (c)
 statement that no shares or debentures will be issued on basis of more than six months
 [after date of issue, s. 39 (1) (f)
 subscription lists, time of opening of, 5 Sch. I, 6

Prospectus—continued

- contracts, material
 - certified copies to be deposited at registered office, s. 42 (4)
 - inspection of, s. 42 (4)
 - verified copies to be registered, s. 42 (2) (c)
 - within two preceeding years, particulars to be set out in prospectus, 5 Sch. I, 15
- copy of, to be filed on or before publication and issue, ss. 39 (1) (c), 42 (1)
 - lodgment to be stated on face, s. 39 (1) (c)
 - that Registrar takes no responsibility as to contents to be stated, s. 39 (1) (c)
- dated, to be, s. 39 (1) (b)
 - date of, deemed date of publication, s. 39 (1) (b)
- directors
 - named in
 - consent in writing must be given and registered, s. 115 (1)
 - qualification shares, requirements as to holding, etc., s. 115
 - particulars to be specified—*see* contents *above*
 - persons improperly named as, indemnification of, s. 46 (6)
- directors and persons named as directors, civil liability for misstatements and wilful non-
[disclosure, s. 46 (1) (b)]
- discount on shares, particulars to be included, s. 59 (4)
- documents deemed prospectuses—*see* offer for sale *below*
- expert
 - interest in company to be stated, 5 Sch. I, 17 ; III, 24
 - statement, etc., by, included, ss. 39 (1) (g), 45, 46 (2), (6), 47 (2)
 - consent to be given and stated in prospectus, s. 45
 - copy to be registered, s. 42 (2) (c)
 - copy to be kept at registered office, s. 42 (4)
 - date and whether prepared for incorporation in prospectus to be stated, s. 39
[(1) (g)]
 - extent of liability for misstatements, ss. 46 (2), (6), 47 (2)
- foreign company, of
 - registration, s. 42 (2) (b)
 - special requirements as to contents, s. 39 (1) (i)
 - to state name and place of incorporation and that liability limited, s. 350
- indemnification of persons improperly named as directors, s. 46 (6)
- interests other than shares, debentures, etc., statement issued in connection with offer to
[public thereof, deemed prospectus, s. 82]
 - matters and reports to be set out in, s. 82 (2), (3), 7 Sch.
- investment company, special requirements in respect of, s. 333 (1)
- invitation to public to deposit or lend money, prohibition without issue of debentures, s. 38
 - exemption of certain corporations, s. 38 (4)-(6)
- issue, not before registration of copy, s. 42 (1)
- issue of application form for shares or debentures prohibited without, s. 37
 - exception where not offered to public, s. 37 (2)
- misstatements—*see* untrue statements *below*
- non-disclosure, wilful, liability for, ss. 46, 47
 - civil liability, s. 46
 - directors, persons named as directors, promoters and persons who caused or
[authorized issue of prospectus may be liable, s. 46 (1)]
 - criminal liability, s. 47
- offer for sale to public of shares or debentures
 - defined*, s. 5 (6)
 - advertisement deemed prospectus unless contents comply with requirements set out in
prospectus, when document deemed, s. 43 (1), (2) [Act, s. 40]
 - liability where provisions of Act relating to prospectuses not complied with,
[s. 43 (4)]
 - provisions of Act relating to prospectuses to apply as if offerors named as
signature by corporation or firm, s. 43 (5) [directors, s. 43 (3)]
- printed in type of prescribed size, to be, s. 39 (1) (a)
- promoters, civil liability for misstatements and wilful non-disclosure, s. 46 (1) (c)
- registered office, copies of consents of experts and material contracts to be kept at, s. 42 (4)
 - members and creditors may inspect, s. 42 (4)
- registration of copy necessary before issue, circulation or distribution, s. 42
 - directors, to be signed by, s. 42 (2) (a)
 - foreign company, requirements as to contents, s. 42 (2) (b)
 - requirements as to contents, s. 42 (2) (b)
 - verified copies of consents to be filed, s. 42 (2) (c)

Prospectus—continued

- reports to be set out in, 5 Sch. II
 - financial year defined*, Sch. III, 30
 - adjustments, indication of, 5 Sch. III, 31
 - auditor's reports
 - as to profit and losses and assets and liabilities and rates of dividend during [preceding five years, 5 Sch. II, 20
 - as to profits and losses and assets and liabilities of any business to be acquired [out of proceeds, 5 Sch. II, 21
 - where proceeds to be applied to acquisition of shares in corporation which will become subsidiary, as to financial position of that corporation, 5 Sch. II, 22
 - business carried on for less than five years, where, 5 Sch. III, 29
 - directors' report as to position of company since date to which last accounts made up, [5 Sch. II, 23
- requirements as to—*see contents above*
- reservation of right to accept or retain oversubscriptions for debentures to be set out in [prospectus, s. 41, 5 Sch. I, 5 (c)
 - statement of assets backing included, nature of and restrictions on, s. 41 (2)
- restrictions on commencement of business or exercise of borrowing power without issue of [prospectus or statement in lieu, s. 52
- sharebroker named in, consent to be obtained before issue and verified copy filed, s. 39 (1) (h)
- solicitor named in, consent to be obtained before issue and verified copy to be filed, s. 39 [(1) (h)
- statement contained in report or memorandum included or incorporated by reference [deemed included in prospectus, s. 5 (4)
- statement in lieu of prospectus, ss. 50, 51, 6 Sch.
 - directors named in
 - consent in writing must be given and registered, s. 115 (1)
 - qualification shares, requirements as to holding, etc., s. 115
 - public company having share capital which does not issue prospectus must register [statement before allotment, s. 50
 - Registrar not to accept unless in compliance with Act, s. 51 (2)
- requirements as to, s. 51, 6 Sch.
 - adjustments to be made in reports, s. 51 (1) (c), 6 Sch.
 - contents, s. 51 (1) (b), 6 Sch.
 - reports to be included in, s. 51 (1) (b), 6 Sch.
 - signature by persons named as directors, s. 51 (1) (a)
- restrictions on commencement of business or exercise of borrowing power without [issue of prospectus or statement in lieu, s. 52
- statement in report or memorandum included or incorporated by reference deemed to [be included, s. 5 (4)
- stockbroker named in, consent to be obtained before issued and verified copy filed, s. 39 (1) [(h)
- stock exchange listing, reference to [(h)
- allotment of shares or debentures where prospectus indicates application—*see* [Allotment
- statements other than that permission granted or application made or to be made [within three days prohibited, s. 44 (9)
- trustee for debenture holders, consent to be obtained before issue and verified copy filed, s. 39
- untrue statements in, liability for, ss. 46, 47 [(1) (h)
- untrue statement defined*, s. 5 (3)
- civil liability, s. 46
 - directors, persons named as directors, promoters and persons who caused or [authorized issue of prospectus may be liable, s. 46 (1)
- criminal liability, s. 47

Provident Schemes, for benefit of employees, non-application of rule against perpetuities, s. 386

Provisional Liquidator, appointment by court after presentation of petition, s. 231 (2)

Proxies—see Meetings of Members

Publications of Company

- name and situation of registered office to appear in official, s. 113 (1) (b)
- liability of officers for failure regarding, s. 113 (2)

Public Company

- defined*, s. 5 (1)
- alteration to proprietary company, s. 26 (1)
- number of members, minimum of five, s. 14
 - reduction below statutory minimum
 - prohibition of carrying on business, s. 36
 - winding up by the court, ground for, s. 222 (1) (d)
- private company, when to become public company, s. 399

Public Company—*continued*

proprietary company

may become public company on default in compliance with requirements as to
 may change to public company, s. 26 (2) [proprietary companies, s. 27

Public Examination—*see* Examination**Public, Offer to**—*see* Offer to Public**Public Trustee**, appointment as trustee for debenture holders, s. 74 (1)**Purchase of Shares**

financial assistance by company—*see* Shares

shareholders dissenting from scheme or arrangement, of, s. 185

Qualification of Directors—*see* Directors**Quorum**, s. 140

meetings of directors, at, Table A cl. 83, Table B cl. 66

meetings of members, at, s. 140

Receipts

name of company to appear legibly in, s. 113 (1) (b)

liability of officers for failure regarding, s. 113 (2)

Receivers and Managers, ss. 187-197

accounts, s. 195

audit of, s. 195 (2)

security for costs of, s. 195 (3)

contents, s. 195 (1)

to be filed at least six monthly, s. 195 (1), (4)

to be verified, s. 195 (1) (b)

application to court for directions, right to make, s. 188 (3)

appointment of

disqualifications, s. 187

liquidator may be appointed where company being wound up, s. 190

notice to be filed of, s. 191 (1)

notice to be given to company, s. 193 (1) (a)

assets subject to floating charge, preferential payment of certain debts out of, s. 196

auditor of the company may not be, s. 187 (1) (c)

bankrupt, undischarged, may not be, s. 187 (1) (b)

ceasing to act

accounts on, s. 195 (1)

notice to be filed, s. 191 (2)

corporation may not be, s. 187 (1) (a)

exception of corporation authorized by any Act, s. 187 (2)

creditors' voluntary winding up, delivery of property to liquidator, s. 263 (3)

debts incurred, liability for, s. 188

defaults by, order by court to make good, s. 197

directions, applications to court for, s. 188 (3)

disqualification from appointment, s. 187

enforcement of duties, s. 197

entry into possession by, does not constitute person entitled to charge a mortgagee in
 [possession, s. 188 (2)

information to be given to—*see* statement of affairs *below*

invoices, statement of appointment to be added to name of company on, s. 192 (1)

letters, statement of appointment to be added to name of company on, s. 192 (1)

liability of, for debts incurred by him for services rendered, goods purchased or property
 liquidator [hired, leased or occupied, s. 188

creditors' voluntary winding up, in, court may order transfer of money, property,
 [books and papers to, s. 263 (3)

failure to render proper accounts to and to pay over to, court may order default to be
 [made good, s. 197 (1) (b), (2)

may be appointed as receiver where company being wound up. s. 190

Receivers and Managers—continued

- mortgagee of company's property or officer of mortgagee company may not be, s. 187 (1) (c)
- officer of the company may not be, s. 187
- orders for goods, statement of appointment to be added to name of company on, s. 192 (1)
- preferential debts, where receivers on behalf of debenture holders secured by floating charge and company not being wound up, s. 196
- registered liquidator, receiver must be, s. 187 (1) (d)
- Registrar to be notified of appointment and ceasing to act, s. 191
- remuneration, court may fix on application by liquidator or official manager, s. 189
 - power to vary, s. 189 (4)
- statement of affairs of company to be made out and submitted to, ss. 193, 194
 - receiver *defined*, s. 193 (1)
 - copy of receiver's comments to be sent to company, s. 193 (1) (c) (ii), (2)
 - copy of statement and of receiver's comments to be filed, s. 193 (1) (c) (i), (2)
 - copy of statement and of receiver's comments to be sent to trustee for debenture holders, s. 193 (1) (c) (iii), (4)
- costs and expenses of preparation and making, s. 194 (4)
- default in compliance, ss. 193 (4), 194 (5), 197
 - enforcement of duty, s. 197
- directors, duty of one or more to submit and verify, s. 194 (2)
- employees or former employees may be required to submit and verify, s. 194 (2)
- officers or former officers may be required to submit and verify, s. 194 (2)
- particulars to be included in, s. 194 (1)
- persons who shall admit and verify statement, s. 194 (2)
- secretary, duty to submit and verify, s. 194 (2)
- winding up, where company in course of, s. 193 (3)

Reconstructions—see Arrangements and Reconstructions

Reconversion, of stock into shares, s. 62 (1) (c), Table A cl. 36-39, Table B cl. 19-22

Records—see Accounts

Recreation, Company Formed for Purpose of, omission of "Limited", s. 24

Rectification

- register of charges, of, s. 106
- register of members, of, s. 155
 - on winding up of company, s. 244 (1)
 - power to make rules delegating power to liquidator, s. 252

Redeemable Preference Shares—see Preference Shares**Reduction of Capital**

- "and reduced", court may order to be added to name of company on, s. 64 (4) (a)
- articles, authority in, s. 64 (1), Table A cl. 42, Table B cl. 25
- cancellation
 - paid-up capital, of, s. 64 (1) (b)
 - shares, of, s. 62 (1) (e)
 - when not deemed a reduction of capital, s. 62 (2)
- causes, court may order publication of, s. 64 (4) (b), (5)
- certificate of Registrar as conclusive evidence, s. 64 (7)
- confirmation by court, s. 64 (1)
 - procedure on, s. 64 (2)-(8)
- contributories, liability *inter se* after reduction, s. 64 (9)
- creditors, provisions for protection of, s. 64
 - consent required, s. 64 (2) (c)
 - dispensing by court with, s. 64 (2) (c)
 - dispensing by court with application of provisions as regards any class of creditors, [s. 64 (2)]
 - ignorant of proceedings, saving of members' liability with respect to, s. 64 (9)
 - list to be settled by court, s. 64 (2) (b)
 - dispensation where no creditors, s. 64 (2) (b)
 - notices to be published with respect to entry on list, s. 64 (2) (b)
 - right to object, s. 64 (2) (a)
- diminution of liability in respect of unpaid share capital involved, conditions where, s. 64 (2)
- effective on lodging of office copy of court's order, s. 64 (6)
- information regarding, court may order publication of, s. 64 (4) (b)

Reduction of Capital—continued

- member, liability after reduction, s. 64 (9)
- memorandum, alteration of, s. 64 (1), (8)
- modes of, s. 64 (1)
- offences with respect to, s. 64 (10)
- order, power of court to make, s. 64 (4)
 - lodging of copy, reduction effective on, s. 64 (6)
 - matters that may be required by, s. 64 (4)
 - matters to be shown in, s. 64 (5)
 - registration of copy of, s. 64 (5)
 - effect of, s. 64 (6)
- paid-up capital
 - cancellation of, s. 64 (1) (b)
 - payment off of, s. 64 (1) (c)
- payment to shareholder of paid-up capital involved, conditions where, s. 64 (2)
- preference shares, redemption of, application to, of provisions regarding, s. 61 (5)
- reasons for, court may order publication of, s. 64 (4) (b), (5)
- special resolution for, s. 64 (1)
- unpaid capital, extinction or reduction of liability on, s. 64 (1) (a)

Registered Office, ss. 111-113

- accounting records to be kept at, or at such other place as directors think fit, s. 161 (3)
- annual return, address of, to be stated in, s. 159 (2) (a)
 - address where register of members kept, if not at, s. 159 (2) (b)
- change in situation of, notice to be filed of, s. 112 (1)
- communications and notices may be addressed to, s. 111 (1)
- company to have, in State, s. 111 (1)
- foreign company must have within State, s. 346 (4)
 - notice of situation to be lodged with Registrar, s. 346 (1) (e)
- inspection of registers, minute books or documents required to be available for inspection, s. 370
- minute books containing minutes of general meetings to be kept at, s. 149 (1)
- name of company to be painted or affixed outside of, s. 113 (3)
- non-compliance with statutory requirements, liability for, ss. 111 (2), 112 (2), 113 (3)
- open and accessible to public, to be s. 111
 - during what days and hours, s. 111
 - notice of days and hours to be lodged with Registrar, s. 112
- prospectus, copies of consents of experts to statements in and of material contracts referred [to in, to be kept at, s. 41 (4)]
- register of debenture holders to be kept at, s. 70 (1)
- register of directors, managers and secretaries to be kept at, s. 134 (1)
- register of members and index to be kept at, s. 152 (1)
 - exceptions, s. 152 (1), (2)
- Registrar, notice to be lodged with, of situation of and days and hours when open, s. 112
- service of documents at, s. 362
- share certificate, address to be stated in, s. 92 (2) (b)
- situation of, notices to be filed with respect to, s. 112
 - foreign company, s. 346 (1) (e)

Register(s) Kept by Company

- auditor to have access to, s. 167 (3)
- charges, of, s. 107 (2)
 - inspection of, s. 107 (3)
- copies may be made, s. 370 (2)
- debentures, of—*see* **Debentures**
- directors, managers and secretaries, of, s. 134
 - certificate of Registrar, effect as evidence, s. 134 (9)
 - default in compliance with provisions, s. 134 (8)
 - inspection of, s. 134 (5)
 - particulars to be contained in
 - directors, with respect to, s. 134 (2)
 - where director of more than one company in group, s. 134 (3)
 - managers and secretaries, with respect to, s. 134 (4)
 - registered office, to be kept at, s. 134 (1)
 - return of, to be filed, s. 134 (6)
- directors' shareholdings and debenture holdings, of—*see* **Directors**
- extracts may be taken, s. 370 (2)
- foreign company, branch register of—*see* **Foreign Company**
- for of, may be kept in bound book or by recording in any other manner, s. 369
 - precautions where not in bound book, s. 369 (2)

Register(s) Kept by Company—continued

inspection

Registrar's right, s. 7 (6)-(8), (10)

to be available for during hours when registered office accessible to public, s. 370 (1)
copies may be made and extracts taken, s. 370 (2)interests other than shares, debentures, etc., of—see **Interests Other Than Shares, Debentures,**
managers, of—see directors *above* [etc.]members, of—see **Register of Members**

Registrar

right to have produced, s. 7 (9)

right to inspect, s. 7 (6)-(8)

secretaries, of—see directors *above*share—see **Register of Members****Register of Members, ss. 150-157—and see Branch Register**

administrator may be entered on, s. 156 (1), (2)

change of place where kept, notice to be filed, s. 152 (2)

closing of, by company, s. 153 (1)

advertisement of, s. 153 (1)

company to keep, s. 151

copy of, to be supplied, s. 153 (3)

default, liability of company and officers for, s. 153 (4)

court may rectify, s. 155

entry on, as requirement of membership, s. 16 (5)

evidence, *prima facie*, of matters inserted therein, s. 151 (4)

executor may be entered on, s. 156 (1), (2)

former members, names and particulars may be kept separately, s. 151 (3)

index of names to be kept, s. 151 (5), (6)

inspection of, s. 153 (2)

keeping by some other person at his office, s. 152 (1) (b)

liability for failure to comply with requirements of Act as to inspection and closing,
[s. 154]mutual life assurance company limited by guarantee, exclusion from application of statutory
[requirements, s. 150]

member's right to inspect and make copies or take extracts, s. 153 (5)

particulars to be entered in, s. 151 (1), (3)

place of keeping, s. 152

rectification by court of, s. 155

damages in connection with, s. 155 (1)

on winding up of company, s. 244 (1)

power to make rules delegating power to liquidator, s. 252

registered office, to be kept at, s. 152 (1)

exceptions, s. 152 (1) (a), (b)

stock or stock units, where shares converted into, s. 151 (2)

subscribers to memorandum to be entered on, s. 16 (5)

trustee

holding shares for proprietary corporation, notice of trust to be given to secretary,
may become registered as holder, s. 156 (1), (2) [s. 156 (5)]

trust not to be entered on, s. 156 (4)

exception, s. 156 (3)

Registrar—see also Registration, and see, as to notices, returns, accounts and other documents
defined, s. 5 (1) [to be lodged, Appendix B to this index]

appeal from refusal to register, s. 12 (6)

appointment, s. 7 (1)

Assistant, s. 7 (Vic. Act)

certificates

of incorporation or any other certificate, s. 12

is *prima facie* evidence of certain matters, s. 12 (4)

right of any person to, s. 12 (2) (b)

of lodgment of return of directors, managers and secretaries, effect of, s. 134 (9)

of reduction of capital is conclusive evidence of certain matters, s. 64 (7)

of registration of charge is conclusive evidence of certain matters, s. 103

certified copies and extracts, s. 12

evidentiary value, s. 12 (3)

right of any person to, s. 12 (2) (b)

consents to be lodged with—see Appendix B to this index

defunct companies, position in respect of—see **Defunct Company**

Deputy, s. 7 (2), (3)

Registrar—continued

- destruction of records, s. 12
 - relodging of copies of destroyed documents, s. 13
 - right of Registrar, s. 12 (7)
- dissolution of company, powers, duties and functions after—*see* **Dissolution**
- documents to be lodged with—*see* Appendix B to this index
 - regulations may be made with respect to, s. 396 (1)
- duties, functions and powers, s. 7 (1)
 - certificate
 - of incorporation of company, s. 16 (3)
 - that company is entitled to commence business and exercise borrowing powers, is conclusive evidence, s. 52 (3) [issue of, s. 52 (3)]
 - that proposed advertisement will not be prospectus, request for delivery of, [s. 40 (6)]
 - company limited by guarantee converts to company limited by shares and guarantee, defunct companies, in respect of—*see* **Defunct Company** [where, s. 25 (2)]
 - dissolution of company, after—*see* **Dissolution**
 - extension of time
 - for holding annual general meeting, s. 136 (2)
 - for preparation of accounts, s. 162 (2)
 - for sending by company of copy of register of members, s. 153 (3)
 - foreign company, in respect of
 - cesser of business, removal of name from register, s. 352 (1), (6) [etc., s. 347]
 - to allow extension of time for filing of change in documents, directors, capital, to certify that company has established share transfer or registration office, but [that business not otherwise carried on, s. 349]
 - to extend time for lodging of return, s. 348 (7)
 - to require lodging of balance sheet where documents lodged do not sufficiently [disclose financial position, s. 348 (2)]
 - inspector's report, keeping of, s. 177 (5) (b)
 - interests other than shares, debentures, etc., as to—*see* interests *below*
 - liquidator, in respect of
 - to apply to court to order making good of defaults, s. 282 (1)
 - to apply to court to order submission of account of unclaimed assets, s. 286 (2)
 - to cause accounts to be audited, s. 281 (2)
 - to direct incurring of particular expense on condition of indemnification by [creditor or contributory, s. 287 (2)]
 - to report to court misfeasance, neglect or omission, s. 278 (2)
 - name of company, in respect of
 - change of name, s. 23
 - discretion to refuse to register undesirable name, s. 22 (1)
 - reservation of name, s. 22 (7)-(11)
 - official manager, to require statement from, s. 202 (2)
 - proprietary company, where default in complying with requirements by, s. 27
 - prosecution of officers and members of company on it appearing in winding up that [they have been delinquent, s. 306 (6)]
 - application to court for person to give assistance in connection with prosecution, s. 306 (8)
 - prospectus, as to registration of copy of, s. 42
 - receiver's accounts, to cause to be audited, s. 195 (2)
 - registration of charges, as to—*see* **Charges**
 - registration of company, s. 16 (1)
 - statement in lieu of prospectus, as to registration of copy of, s. 51
 - unlimited company converts to limited company, where, s. 25 (2)
 - where copy of alteration of memorandum lodged, s. 21
 - winding up, company in course of, where reasonable cause to suspect that no liquidator acting or affairs fully wound up, s. 308 (3)
- enforcement of duty to lodge returns, etc., with, s. 12 (8), (9)
- English language, translation of foreign documents to be lodged, s. 371 (1)
- fees payable to, s. 7 (11), (12), 2 Sch.
 - regulations may be made with respect to matters not provided for in 2 Sch., s. 396 (1)
- foreign company, duties, functions and powers in respect of—*see* duties, functions and powers [above]
- inspection, right of, of books, minute books, registers or records of company, s. 7 (6)-(8), (10)
- interests other than shares, debentures, etc.
 - approval of deed appointing company as trustee, ss. 77, 78, 83 (5)
 - statement to be issued with, as to, s. 82
- judicial notice to seal and signature, s. 7
- lost documents, relodging of copies of, s. 13

Registrar—*continued*

- notice of trust not receivable except as provided, s. 156 (3)
- notices to be lodged with—*see* Appendix B to this Index
- officers, appointment of, s. 7 (2)
- production to, of books, minute books, registers or records of company, s. 7 (9)
- refusal to register, circumstances justifying, s. 12 (5)
 - appeal from, s. 12 (6)
- registers kept by, s. 12
 - certificates, copies and extracts, s. 12 (2)-(4)
 - discretion of Registrar as to registers to be kept and form, s. 12 (1)
 - inspection, right of any person, s. 12 (2) (a)
 - regulations may be made with respect to, s. 396 (1)
- regulations, power of Governor to make in respect of registers, registration and fees, s. 396 [(1)
- take-over offers, as to lodging of documents and giving of notices in respect of, s. 184 [(10)
- returns to be lodged with—*see* Appendix B to this index [(10)
- take-over offers, power to make regulations requiring lodgment of documents or notices, [s. 184 (10)
- translation of documents lodged with, s. 371

- Registration**—*see also* **Register(s) Kept by Company ; Registrar ; and see**, as to notices, returns, [accounts and other documents to be filed with Registrar, Appendix B to this index
- charges, of—*see* **Charges**
 - company, of, s. 16
 - company with illegal objects, refusal of, s. 384
 - company auditors, of, s. 9
 - constitution and functions of Companies Auditors Board, s. 8
 - fees, s. 7, 2 Sch.
 - liquidators, of, s. 9

Registration of Charges—*see* **Charges****Regulations**

- defined*, s. 5 (1)
- company, of, to be contained in articles, s. 29 (1)
- management of company limited by shares, for—*see* **Table A**
- management of no-liability company, for—*see* **Table B**
- power to make, s. 396
 - take-over offers, in respect of, s. 184 (8)-(10)
 - exemptions, as to granting of, s. 184 (9)
 - requiring lodgment of documents with Registrar or Stock Exchange, as to, [s. 184 (10)
 - variation of Sch. 10, s. 184 (8)
- repealed Acts, under, s. 4 (1)

Re-issue of Debentures, s. 73**Related Companies**—*see also* **Holding Company ; Subsidiary Company**

- defined*, s. 6 (5)
- director of
 - prohibition of loan to, s. 125
 - when not deemed interested in contract with company, s. 123 (3) (b)
- investigation of affairs of, by inspector appointed to investigate affairs of company, s. 171
- officer of, disqualification from appointment as auditor, s. 9 (2)
- trustee for debenture holders, disqualification from appointment as without leave, s. 74 (5) [(e), (6)

Release of Liquidator, winding up by the court—*see* **Liquidators****Relief Against liability**, of officers or auditors, s. 133**Religion**, companies for promoting, omission of "Limited" from name, s. 24 (1)**Removal**

- auditors, of, s. 165 (4)-(8)
- committee of inspection, of member of, s. 242 (6)
- defunct company from register, of, s. 308
- directors, of—*see* **Directors**
- liquidators, of—*see* **Liquidators**

Remuneration

- auditors, of—*see* **Auditors**
- directors, of—*see* **Directors**
- liquidators, of—*see* **Liquidators**
- managing director, of, Table A cl. 92, Table B cl. 75
- receiver, of—*see* **Receivers and Managers**

Reorganization of Capital, s. 62**Repeal of Acts, s. 4, 1 Sch.**

- repealed Act defined, s. 5 (1)*
- companies incorporated under repealed Act, continuance of incorporation, s. 4
- companies registered but not incorporated under repealed Act, continuance of registration, effect, s. 4 [s. 4]
- repealed Act, references in documents, etc., to, s. 4
- transitory provisions, continuance of appointments, rules, regulations, etc., s. 4 (2)
- winding up commenced under repealed Act, continuance of, s. 4

Report

- auditors, of—*see* **Auditors**
- directors, of—*see* **Directors**
- false statement in, liability for, s. 375 (2)
- inspectors, of—*see* **Inspectors**
- liquidators, of—*see* **Liquidators**, in winding up by the court
- prospectus, included in—*see* **Prospectus**
- statutory—*see* **Statutory Report**

Representation, of corporation at meeting of another company, s. 140 (3)-(7)**Requisition, of members for extraordinary general meeting, s. 137****Reservation of Name—*see* Name of Company****Reserve Liability, creation by special resolution, s. 56****Reserves**

- capital redemption reserve, s. 61 (5), (7)
- directors' report, information in
 - amounts proposed to be carried to reserves, s. 162 (6) (c)
 - transfers to and from, s. 162 (7) (b)
- investment company, investment fluctuation reserve—*see* **Investment Companies**
- liability, effect of resolution creating, s. 56
- restrictions on statements in documents and advertisements as to, s. 162 (14)
 - manner of investment and securities to be shown, s. 164 (14) (a)
 - used in the business, statement to that effect where, s. 162 (14) (b)
- set aside or invested by directors, may be Table A cl. 101, Table B cl. 84

Resolutions

- resolution for voluntary winding up defined, s. 5 (1)*
- special resolution defined, ss. 144 (1), (2), 215*
- adjourned meeting
 - passed at, treated as passed on actual date of passing, s. 147
 - creditors or contributories, meetings of, treated as passed on date on which in statutory, may be passed at, s. 135 (8) [fact passed, s. 288]
- carriage of, Table A cl. 51, Table B cl. 34
 - special resolution, s. 144 (3)-(5)
- circulation to members of statement as to proposed resolutions or business to be dealt with— [see notice to members below]
- company limited by guarantee, resolution enabling non-members to participate in profits continuation of previous, s. 4 (2) [void, s. 32 (1)]
- date of, when passed at adjourned meeting—*see* adjourned meeting above
- directors
 - assignment of office by, special resolution approving necessary, s. 130
 - removal of, for, s. 120, Table A cl. 69, Table B cl. 54
 - special notice of, s. 120 (2), (3)
 - single resolution for appointment of two or more, s. 118
- extraordinary
 - company incorporated before commencement of Act, matters requiring extraordinary [resolution may be done by special resolution, s. 144 (8)]
 - passed before commencement of Act, to be treated as special resolution, s. 144 (7)

Resolutions—continued

- manager, assignment of office by, special resolution approving necessary, s. 130
- memorandum, addition or alteration to, by court, to have same effect as if by, s. 186 (4)
- notice
 - special resolution, of—*see* special *below*
 - special, resolution requiring, s. 145
- notice to members of proposed resolutions and circulation of statement of matter to be referred to in resolutions or business to be dealt with at meeting, s. 143
 - annual general meeting, notice of proposed resolutions, s. 143 (1) (a)
 - liability for default in compliance, s. 143 (7)
 - requisition necessary, s. 143 (1)
 - copy signed by requisitionists to be deposited at registered office within [prescribed time, s. 143 (4)
 - expenses to be deposited or tendered, s. 143 (4) (b)
 - number of members required for requisition, s. 143 (2)
 - resolution of which notice given may be dealt with notwithstanding anything in [articles, s. 143 (6)
 - accidental omission to give notice, notice deemed given notwithstanding, s. 143 (6)
 - service, manner of, s. 143 (3)
 - statement as to resolutions and business to be dealt with, s. 143 (1) (b)
 - abuse of rights to secure needless publicity for defamatory matter, company [not bound to circulate where court satisfied there is, s. 143 (5)
- poll, demand for, Table A cl. 51, Table B cl. 34
 - special resolution, s. 144 (3)-(5)
- registration, necessity for, s. 146 (1)
 - liability for non-registration or non-forwarding of copy, s. 146 (2), (3)
 - memorandum, resolution affecting, s. 21 (1)
 - certification by Registrar, s. 21 (2), (3)
 - printed copy of every resolution required to be registered to be forwarded to member [on request where articles not registered, s. 146 (2)
 - requisition for notice of proposed resolutions, etc.—*see* notice to members *above*
- shares, issue at discount, for, s. 59 (1) (a)
- special, s. 144
 - defined*, ss. 144 (1), (2), 215
 - chairman's declaration of carriage conclusive unless poll demanded, s. 144 (3)
 - extraordinary resolution—*see* extraordinary *above*
 - meeting to be held in manner provided by Act or articles, s. 144 (6)
 - notice of meeting
 - manner of giving, s. 144 (6)
 - twenty-one days required, s. 144 (1)
 - exception, s. 144 (2)
- poll
 - chairman's declaration of carriage conclusive unless poll demanded, s. 144 (3)
 - computation of majority on, s. 144 (5)
 - number of members necessary for effective demand, s. 144 (4)
- purposes for which required or sufficient
 - alteration from company limited by guarantee to company limited by shares
 - alteration from unlimited to limited company, s. 25 [and guarantee, s. 25
 - alteration of articles, s. 31 (1)
 - alteration of memorandum, s. 28
 - alteration of proprietary to public company, s. 26 (2)
 - alteration of public to proprietary company, s. 26 (1)
 - arrangement between company about to be or in course of winding up and [creditors, s. 271 (1)
 - assignment of office by director or manager, approval necessary, s. 130
 - interest out of capital, payment of, s. 69 (a)
 - investigation of company's affairs, appointment of inspectors for, s. 170 (1)
 - liquidator may be given powers specified in case of members voluntary winding name, change of, s. 23 (1) [up, s. 269 (1)
 - no-liability company, tribute arrangements, s. 333 (1)
 - official manager, appointment of, ss. 201 (1), 215
 - termination of appointment, s. 203
 - winding up by court, as ground for, s. 222 (1)
- registration is obligatory, s. 146 (1)
- three-fourths majority required, s. 144 (1)
- special notice, resolution requiring, s. 145
- removal of director, s. 120 (2), (3)
- voluntary winding up, for—*see* **Winding Up, Voluntary**

Restoration to Register, defunct company, s. 308 (5)

Restrictions

- allotment, on, s. 50
- alteration of memorandum, on, s. 21
 - objects clause, s. 28
- name of company, on, s. 22
 - alteration of name, s. 23
- offering shares or debentures for subscription or purchase, on—*see Offer to Public*
- proprietary companies, in case of, s. 15

Retirement of Directors—*see Directors*

Returns—*and see*, as to returns to be lodged with Registrar, Appendix B published with this
 allotment of shares, of—*see Allotment* [index]
 annual—*see Annual Return*
 false, liability for, s. 375 (2)
 foreign company, by
 alteration of documents, etc., where, s. 347
 to be lodged at least annually, s. 348 (6), (7)
 management company, by, in relation to interests other than shares, debentures, etc., s. 85
 Registrar, to be lodged with—*see Appendix B* published with this index

Rule Against Perpetuities, non-application to fund or scheme for benefit of any employee of
 [company, s. 386]

Rules of Court

- rules defined*, s. 5 (1)
- power to make, s. 395
 - delegation to liquidator of certain powers of court in winding up by court, s. 252

Salary, Priority of Payment of

- receiver, by, s. 196
- winding up, s. 292 (1) (b), (3)

Sale of Property

- liquidator, power of, ss. 236 (2) (c), 269
 - voluntary winding up, power to accept shares, etc., as consideration, s. 270
- winding up, within two years of commencement of, liquidator's right to recover in respect
 [of transactions between company and director, s. 295]

Savings, s. 4

Schedules

- accounts—profit and loss account and balance sheet, 9 Sch.
- annual return by company having share capital, 8 Sch.
- fees to be paid to Registrar, 2 Sch.
- implied powers of company (unless expressly excluded or modified by articles of memoran-
 [dum], 3 Sch.
- interests other than shares, debentures, etc., statement with respect to, 7 Sch.
- prospectus, matters to be specified and reports to be set out in, 5 Sch.
- regulations for management of company, 4 Sch.
 - company limited by shares, Table A
 - no-liability company, Table B
- repeals, 1 Sch.
- statement in lieu of prospectus, matters to be specified and reports to be set out in 6 Sch.
- take-over offers, requirements as to, 10 Sch.
 - requirements with which offer to comply, Pt. A
 - requirements with which statement by offeree corporation to comply, Pt. C
 - requirements with which statement given by offeror corporation to comply, Pt. B

Seal

- defined*, Table A cl. 1, Table B cl. 1
- authority under, empowering execution of deeds abroad, s. 35 (3)
- contracts required to be under, s. 35 (1)
- directors, use to be authorized by, Table A cl. 96, Table B cl. 79
- duplicate common, company may have, as "share seal", s. 93

Seal—*continued*

liquidator's power to use, s. 236 (2) (d)
 name of company to be in legible characters on, s. 113 (1)
 official, for use in place outside State, s. 35 (5)
 share certificate to be under, s. 92
 unnecessary in the case of document or proceedings requiring authentication, s. 35 (2)
 use of, where name of company does not appear, liability for, s. 113 (2)

Secretary—*see also Officer of Company*

defined, Table A cl. 1, Table B cl. 1
 accounts to be verified by statutory declaration of, s. 162 (13)
 annual return, particulars to be shown in, of
 where no share capital, s. 159 (2) (d)
 where share capital, 8 Sch.
 appointment of, s. 132, Table A cl. 95, Table B cl. 78
 defect in, validity of acts, s. 119
 directors to appoint, s. 132
 remuneration, conditions of service, and removal, Table A cl. 95, Table B cl. 78
 company, every, to have one or more, s. 132 (1)
 natural person, each must be, s. 132 (1)
 residing normally in State, one must be, s. 132 (1)
 defect in appointment or qualification, acts valid notwithstanding, s. 119
 director and, where thing to be done by or in relation to, provision not satisfied by same
 [person acting as both, s. 132 (5)]
 director, declaration disclosing interests of, to be recorded by, s. 123 (7)
 indemnity of, by company, Table A cl. 113, Table B cl. 96
 officer of company, included in definition of, s. 5 (1)
 proprietary company, sole director of, shall not be or act as, s. 132 (2)
 qualification of, defect in, validity of acts where, s. 119
 receiver, duty to submit statement of affairs of company to, s. 194 (2)
 registered office, to be present at by himself or agent or clerk, at hours during which accessible
 [to public, s. 132 (3)]
 register of directors, managers and secretaries—*see Register(s) Kept by Company*
 removal, Table A cl. 95, Table B cl. 78
 remuneration, Table A cl. 95, Table B cl. 78
 return of particulars regarding, to be filed, s. 134 (6)
 vacancy in office or secretary not capable of acting, authority to do acts required or authorized
 [to be done by secretary, s. 132 (4)]

Secured Creditor

application of bankruptcy rules in winding up, s. 291 (2)
 registration of charges—*see Charges*

Security for Costs

plaintiff company may be ordered to give, s. 363 (1)
 winding up petition by contingent or prospective creditor, s. 221 (2) (c)

Service

company, on
 document other than summons for offence, s. 362 (1)
 summons for offence, s. 362 (2), (3)
 defunct company or no liquidator acting, where, s. 308 (7)
 foreign company, of documents on, s. 351

Set-off, right of contributory to, in winding up, ss. 218 (1) (g), 245 (2)

Shareholder—*see Shares***Share Premium Account**

amount of premiums on issue of shares to be transferred to, s. 60
 application, s. 60 (2)
 to redemption of preference shares, ss. 60 (2) (e), 61 (4)

Shares, ss. 37-69, 90-99—*see also Table A ; Table B*

defined, s. 5 (1)
company limited by shares defined, s. 5 (1)
unit defined, s. 5 (1)
 abrogation of rights attached to particular class—*see classes of below*
 acquisition of shares of shareholder dissenting from scheme or contract, s. 185
 administrator, registration as holder, and liability of, s. 156—*and see transmission below*

Shares—continued

- allotment—*see* **Allotment**
alteration of share capital—*see* **Capital ; Reduction of Capital**
annual return, particulars to be stated in, 8 Sch.
application for
 amount payable on, s. 48 (3)
 no allotment unless minimum subscription received, s. 48 (1), (2)
 repayment of moneys where minimum subscription not received, s. 48 (4)
 form, issue of, registered prospectus must accompany, s. 37 (1)
 moneys held in trust until allotment, s. 49 (1)
 prospectus indicating application for stock exchange listing, where moneys to be
 [kept in separate bank account pending listing, s. 44 (7)]
 repayment of moneys where no listing, s. 44 (2)
- bonus—*see* **Bonus Shares**
brokerage, power to pay, s. 58 (3)
calls on—*see* **Calls ; No-liability Company**
cancellation—*see* **Capital**
capital—*see* **Capital ; Reduction of Capital**
certificate of
 failure to comply with requirements as to sealing and contents
 liability, s. 92 (4)
 rights of holder not affected, s. 92 (3)
 foreign company, s. 360
 issue of, duty of company, s. 99
 loss or destruction, issue of duplicate, s. 94
 advertisement, company may require, s. 94 (2) (a)
 bond, company may require, s. 94 (2) (b)
 owner to lodge statutory declaration and undertaking to return to company if
 particulars to be stated in, s. 92 (2) [found or received, s. 94 (1)]
 prima facie evidence of title of member, s. 92 (1)
 seal of company, to be under, s. 92 (2)
 duplicate common seal, company may have, s. 93
- classes of, s. 55 (a), Table A cl. 2, 4-5, Table B cl. 2, 4-5
 variation or abrogation of rights attached to, s. 65
 issue of preference shares ranking *pari passu* with existing preference shares
 [deemed variation, s. 65 (6)]
 non-consenting shareholders may apply to court for cancellation, s. 65 (1)-(4)
 order of court to be lodged with Registrar, s. 65 (5)
- commission for subscribing for, s. 58, Table A cl. 6, Table B cl. 6
 annual return, particulars to be set out in, 8 Sch. I, 3 (g)
 brokerage, power to pay, s. 58 (3)
 penalty for non-compliance, s. 58 (5)
 power to pay, s. 58 (1)
 disclosure of amount or rate in prospectus or statement in lieu, s. 58 (1) (c),
 [5 Sch. I, 12, 6 Sch.]
 disclosure of number of shares on which payable, s. 58 (1) (d)
 maximum amount payable, s. 58 (1) (b)
 payment must be authorized by articles, s. 58 (1) (a)
- prohibition of commissions, discounts or allowances other than as provided in Act,
 [s. 58 (2)]
 vendor or promoter may apply money or shares received to payment of commission,
 [s. 58 (4)]
- consolidation of—*see* **Capital**
conversion into stock, and reconversion, s. 62 (1) (c), Table A cl. 36-39, Table B cl. 19-22
dealing by company in its own shares prohibited, s. 67
directors, of—*see* **Directors**
discount, issue at, s. 59
 annual return, particulars to be set out in, 8 Sch. I, 3 (h)
 first offer to holders of shares necessary, s. 59 (4), (5), (6)
 liability for default in compliance with Act, s. 59 (7)
 no-liability company, power of, s. 59 (8)
 prospectus to contain particulars, s. 59 (3)
 resolution must be passed at general meeting and confirmed by court, s. 59 (1) (a)
 court may confirm on terms or conditions, s. 59 (2)
 maximum rate to be specified in resolution, s. 59 (1) (b)
 time at which may be issued, s. 59 (1) (c), (d)
- dissent by some shareholders from scheme or arrangement, compulsory acquisition of
dividends on—*see* **Dividends** [their shares, s. 185]
division of—*see* **Capital**
employees benefit funds, purchase by trustees of, provision of money by company, s. 67
employees, purchase by, loan by company for, s. 67 (2) (c) [(2) (b)]

Shares—continued

- executor, registration as holder of, and liability of, s. 156—*and see* transmission *below*
 financial assistance by company for purchase of, prohibited, s. 67 (1)
 exceptions, s. 67 (2)
 lending by money-lending company in ordinary course of business, s. 67 (2)
 loans to employees for purchase of fully paid shares, s. 67 (2) (c) [(a)
 provision for purchase by trustees of shares to be held for benefit of employees,
 liability for contravention, s. 67 (3) [s. 67 (2) (b)]
 foreign company, in, branch register—*see* **Foreign Company**
 forfeiture of, Table A cl. 28-35
 no-liability company—*see* **No-liability Company**
 fraud in connection with subscription to, s. 375 (3) (4)
 guarantee for purchase of company's own, prohibited, s. 67
 hawking, restrictions, on, ss. 374, 375, 381
 implied power of company to hold in another company, 3 Sch. 5
 improperly issued, power of court to validate, s. 63
 increase of—*see* **Capital**
 index of holders, s. 151 (5)
 foreign company, branch register, s. 357
 inquiry into ownership, power of Minister to require persons interested or their solicitors or
 [agents to give information, s. 178
 restrictions on shares, power to impose, s. 179
 interest on, payment out of capital in certain cases, s. 69
 issued prior to the commencement of the Companies Act, 1934, for other than cash, s. 54
 issue of, duty of company, s. 99 [(8)
 lending of money by company for purchase of, or on—*see* financial assistance *above*
 memorandum to state amount of share capital, s. 18 (1) (c)
 misstatements in prospectus
 civil liability for, s. 46
 criminal liability for, s. 47
 mortgage of, by deposit, s. 385
 nature of, s. 90
 no-liability company, in—*see* **No-liability Company**
 numbering of, s. 91
 offer to public—*see* **Offer for Sale to Public of Shares or Debentures**
 options over unissued shares
 enabling taking up five years after grant, are void, s. 68 (1)
 exception where debenture holders have option to take up shares by way of
 [redemption, s. 68 (2)
 grant of, directors' report on balance sheet to state particulars, s. 162 (8)
 ownership, inquiry into—*see* inquiry into ownership *above*
 payment of different amounts on, s. 55
 personal estate, are, s. 90
 preference—*see* **Preference Shares**
 premium, issue at, amount or value of premiums to be transferred to share premium account,
 [s. 60 (1)
 purposes for which share premium account may be applied, s. 60 (2)
 shares issued before commencement of Act, s. 60 (3)
 proprietary company, limitations in respect of—*see* **Proprietary Company**
 prospectus inviting subscription or purchase—*see* **Prospectus**
 qualification shares of directors—*see* **Directors**
 real estate, are not of nature of, s. 90
 reconversion of stock into, s. 62 (1) (c), Table A cl. 36-39, Table B cl. 19-22
 redeemable preference—*see* **Preference Shares**
 register—*see* **Register of Members**
 reorganization of capital—*see* **Capital**
 reserve liability on, s. 56
 restrictions where inquiry into ownership, s. 179
 return as to allotment, s. 54—*see* **Allotment**
 rights of holders of classes of—*see* classes of *above*
 seal of company on share certificate—*see* certificate of *above*
 share hawking, restrictions on, ss. 374, 375, 381
 shareholder's whereabouts unknown, sale or disposal of shares, s. 364
 share premium account—*see* premium *above*
 share warrant, prohibition of issue, s. 57
 stock
 conversion to, and reconversion, s. 62 (1) (c), Table A cl. 36-39, Table B cl. 19-22
 included unless distinction express or implied, s. 5 (1)
 Table A and Table B, provisions of—*see* **Table A ; Table B**

Shares—continued

transfer of

- articles, to be according to provisions in, s. 90
- certification of instrument of, provisions regarding, s. 98
- issue of certificates, duty of company, s. 99
- personal representatives, by, s. 95 (2)-(5)
- proprietary company, must be restricted, s. 15 (1) (a)
- registration of
 - proper instrument to be delivered to company for, s. 95 (1)
 - refusal, transferee to be given notice, s. 97
 - transferor, at request of, s. 96
 - transmission by operation of law, s. 95 (1)
- Tables A and B, provisions of, Table A cl. 20-23, Table B cl. 12-14
- to avoid liability, s. 391
- transmission by operation of law, s. 95 (1), Table A cl. 24-27, Table B cl. 15-18
- transmission by operation of law, s. 95 (1), Table A cl. 24-27, Table B cl. 15-18
- trustee, registration as holder of, and liability of, s. 156
- unissued
 - cancellation, s. 62 (1) (e)
 - not deemed reduction of capital, s. 62 (3)
 - options over—*see options above*
- validation of shares improperly issued, power of court, s. 63
- variation of rights attached to particular class—*see classes of above*
- warrant, share, prohibition of issue, s. 57
- whereabouts of shareholder unknown, sale or disposal of shares, s. 364

Share Seal, s. 93**Share Warrant, prohibition of issue, s. 57****Sheriff***defined, s. 297*

- duties as to goods taken in execution, s. 299
 - court has power to set aside liquidator's rights, s. 299 (3)
 - notice of appointment of provisional liquidator or voluntary winding up before sale or completion of execution, goods and money to be delivered to liquidator, s. 299 (1)
 - retention of proceeds of sale for fourteen days, payment to liquidator if notice [received of institution of winding up proceedings, s. 299 (2)]

Short Title of Act, s. 1**Signature**

- articles to be signed by subscribers to memorandum, s. 29 (1), (2) (c)
- document or proceeding requiring authentication by company may be signed by authorized memorandum to be signed by subscribers thereto, s. 18 (2) [officer, s. 35 (2)]
- Registrar, of, judicial notice of, s. 7

Societies, application of Act to, s. 383**Solicitor**

- arrangement or compromise, report on, may be required by members, from, s. 181 (7)
- liquidator's power to appoint, s. 236 (2) (b)
- officer or agent of company, deemed to be, for purposes of inspection and special investigation provisions, ss. 168 (2) (a), 172 (1)
- privileged communications to, protection from disclosure to inspector, except as to name [an address of client, s. 367]
- prospectus must not contain name unless consent given and registered, s. 39 (1) (h)
- public examination, right of person examined to employ, s. 250 (5) (b)
- statutory declaration by, may be required on registration of company, s. 16 (2)

Solvency, Declaration of

- voluntary winding up, where proposal for, power of directors to make, s. 257
 - failure to make or lodge, powers of court, s. 366 (3)
 - liability of director who has no reasonable grounds for opinion that company is [solvent, s. 257 (4), (5)]

Solvency, Declaration of—*continued*voluntary winding up etc.—*continued*

members' voluntary winding up, necessary in case of, s. 5 (1) "members' voluntary [winding up]"

registration, necessity for, s. 257 (3) (c)

statement of affairs to be attached, s. 257 (2)

time for making, s. 257 (1), (3)

Special Investigations—*see* Inspection (Investigations)**Special Manager**, appointment by court on application of liquidator, s. 246

conditions of employment, s. 246 (2)

powers are such as entrusted to him by court, s. 246 (1)

Special Notice, resolutions requiring—*see* Resolutions**Special Resolutions—*see* Resolutions****Specialty**

liability of contributory in winding up is, s. 219

money payable by members under memorandum or articles is, s. 33 (2)

State*defined*, s. 5 (1)**Statement in Lieu of Prospectus—*see* Prospectus****Statement of Affairs of Company**

liquidator, to be submitted to, s. 234

receiver, to be submitted to, ss. 193, 194

Statutory Declaration

outside State, s. 387

Statutory Meeting—*see* Meetings**Statutory Report**, s. 135 (2)-(5), (7)*defined*, ss. 5 (1), 135 (2)

certified by directors, to be s. 135 (3)

copy to be registered of, s. 135 (5)

default in lodging, ground for winding up by court, s. 222 (1) (b)

examined and reported upon by auditors, to be, s. 135 (4)

forwarded to members before statutory meeting, to be, s. 135 (2)

members may discuss at meeting, s. 135 (7)

particulars to be stated in, s. 135 (3)

Stay of Proceedings

after commencement of creditors' voluntary winding up, s. 263 (2)

after presentation of petition for winding up, s. 226

after service of notice of meeting for purpose of appointing official manager, s. 199

on making of winding up order by court, s. 230 (3)

suspension of certain proceedings on appointment of inspector to make special investigation, [s. 174

extension of provisions to action against contributory, s. 317 (1)

leave of court necessary to proceed with or commence after winding up order, s. 317 (2)

special provisions cumulative on general winding up provisions, s. 314 (2)

winding up by the court, power of court to stay, s. 243

Stock

conversion of shares to, and reconversion, s. 62 (1) (c), Table A cl. 36-39, Table B cl. 19-22

included in definition of shares unless distinction express or implied, s. 5 (1)

Stock Exchange

prospectus, reference in to listing

allotment of shares or debentures where application indicated—*see* Allotment

failure to list, restriction on commencement of business where money liable to be [repaid by reason of, s. 52

statements other than that permission granted or application made or to be made [within three days prohibited, s. 44 (9)

untrue statement of grant of permission illegal, s. 44 (9)

take-over offers, power to make regulations requiring lodgment of documents or notices [with a stock exchange, s. 184 (10)

Subscribers to Memorandum—see also Members of Company

- articles to be signed by, s. 29 (1)
- signature to be attested, s. 29 (2) (c)
- become members on incorporation, s. 16 (5)
- memorandum
 - to contain statement of agreement to take shares in own writing and signed and [attested, s. 18 (2)
 - to state desire to form company and agreement to take stated number of shares, to state names and addresses, s. 18 (1) (h) (s. 18 (1) (i)
- shares issued to without formal allotment, deemed allotted on incorporation, s. 54

Subsidiary Company—see also Related Companies

- defined*, s. 6
- related companies defined*, s. 6 (5)
- accounts, 9 Sch. 4
- control exercised by holding company, nature of, s. 6
- director of, payment by holding company of compensation for loss of office, s. 129 (1) (a)
- holding company
 - defined*, s. 6 (4)
 - all issued shares in subsidiary held by, minute of performance of acts, etc., required to [be done in general meeting, s. 140 (6), (7)
 - subsidiary cannot be member
 - company limited by guarantee, s. 17 (6)
 - continuance where member becomes subsidiary, s. 17 (4)
 - exemption where personal representative or trustee, s. 17 (2)
 - nominee for subsidiary prohibited, s. 17 (5)
 - saving where member at commencement of Act, s. 17 (3)
 - unlimited company, s. 17 (6)
 - inspector investigating affairs of company may investigate affairs of related company, s. 171
 - prohibition of grant of financial assistance for purchase by any person of shares in holding [company, s. 67
 - shares or powers held as fiduciary or nominee, effect, s. 6 (3)
 - subsidiary of corporation that is itself subsidiary, s. 6 (1) (b)

Summons, service on company, s. 362 (2), (3)**Superannuation Schemes, non-application of rule against perpetuities to, s. 386****Surplus Assets—see Winding Up****Suspension of Business, as ground for winding up, s. 222 (1) (c)****Table A (company limited by shares), s. 30, 4 Sch.**

- defined*, s. 5 (1)
- applicability where articles not registered, s. 30 (2)
- company's power to adopt, s. 30 (1)
- contents, 4 Sch., Table A
 - secretary defined*, Table A cl. 1
 - State defined*, Table A cl. 1
 - the Act defined*, Table A cl. 1
 - the seal defined*, Table A cl. 1
 - accounts, Table A cl. 97
 - bankruptcy of member, Table A cl. 25
 - calls on shares, Table A cl. 13-19
 - deduction from dividends, Table A cl. 102
 - default in payment, no right to vote at general meeting, Table A cl. 57
 - forfeiture on failure to pay, Table A, cl. 28-35
 - interest on, Table A cl. 16, 17, 19
 - time for payment, Table A cl. 18, 19
 - capital
 - alteration of, Table A cl. 40-42
 - share capital and variation of rights, Table A cl. 2-8
 - capitalization of profits, Table A cl. 106-107
 - Capital Redemption Reserve Fund, reduction of, Table A cl. 42
 - commission, payment of, Table A cl. 6
 - death of shareholder, Table A cl. 24
 - directors
 - accounts, duties in respect of, Table A cl. 97
 - alternate, Table A cl. 82
 - appointment, Table A cl. 63-72

Table A—continued

contents—continued

directors—continued

- associate, Table A cl. 94
- calls on shares, power to make, Table A cl. 13
- casual vacancy, Table A cl. 68
- chairman, Table A cl. 49, 80, 85
- committee, delegation to, Table A cl. 86-89
- contract, interest in, Table A cl. 81
- delegation, powers of, Table A cl. 86
- duties and powers, Table A cl. 73-78
- expenses, Table A cl. 70
- first, appointment of, Table A cl. 63
- indemnity, Table A cl. 113
- managing, Table A cl. 91-93
- minutes, Table A cl. 78
- number, Table A cl. 63, 67, 84
- powers, Table A cl. 73-78, 91-93
- proceedings, Table A cl. 79-90
- quorum, Table A cl. 83
- re-election, Table A cl. 66, 68
- removal, Table A cl. 52
- remuneration, Table A cl. 70
- retirement, Table A cl. 64-67, 91
- shareholding qualification, Table A cl. 71, 82, 94
- substitute, Table A cl. 82
- vacation of office, Table A cl. 55
- voting at meetings, Table A cl. 80-82, 94
- dividends, Table A cl. 98-105
 - declaration, Table A cl. 98
 - interest on, Table A cl. 100
 - interim, Table A cl. 99
 - non-cash, Table A cl. 104
 - payment, method of, Table A cl. 105
- forfeiture of shares, Table A cl. 28-35
- general meetings, Table A cl. 43-46
 - adjournment, Table A cl. 48, 50, 52
 - annual, Table A cl. 43
 - casting vote, Table A cl. 53
 - chairman, Table A cl. 49-53, 58
 - declaration of dividend, Table A cl. 98, 104
 - extraordinary, Table A cl. 43, 44, 46
 - minutes, Table A cl. 78
 - notice of, Table A cl. 45, 50, 111
 - poll, Table A cl. 51-55
 - proceedings at, Table A cl. 47-62
 - proxy, Table A cl. 54, 55, 59-62
 - quorum, Table A cl. 47, 48
 - shareholding qualification of director, power to fix, Table A cl. 71
 - special business, Table A cl. 46
 - vote
 - entitlement to, Table A cl. 57
 - objection to, Table A cl. 58
- indemnity, Table A cl. 113
- interim dividends, Table A cl. 99
- interpretation, Table A cl. 1
- lien of company on shares, Table A cl. 9-12
- managing director, Table A cl. 91-93
 - indemnity to, Table A cl. 113
- notices, Table A cl. 108-111
- preference shares, Table A cl. 3-5
- proxies, Table A cl. 59-62
- reserves, Table A cl. 98-105
- seal, Table A cl. 75, 96
- secretary, Table A cl. 96
 - indemnity to, Table A cl. 113
- share capital and variation of rights, Table A cl. 2-8
 - reduction, Table A cl. 42
- share premium account, Table A cl. 36-39, 42
- shares
 - calls, Table A cl. 13-19, 28-35, 57
 - certificates, Table A cl. 8

Table A—continuedcontents—*continued*shares—*continued*

conversion into stock, Table A cl. 36-39
 forfeiture, Table A cl. 28-35
 lien of company on, Table A cl. 9-12
 preference, Table A cl. 3-5
 transfer, Table A cl. 20-23
 transmission, Table A cl. 24-27
 trust, held in, Table A cl. 7

stock, conversion of shares into, Table A cl. 36-39
 transfer of shares, Table A cl. 20-23
 transmission of shares, Table A cl. 24-27
 winding up, Table A cl. 112
 "writing" includes printing, etc., Table A cl. 1

repealed Act, in, not affected, in application to existing companies, s. 4 (3)

Table B (no-liability company), s. 30, 4 Sch.

applicability where articles not registered, s. 30 (3)

company's power to adopt, s. 30 (1)

contents, 4 Sch., Table B

secretary defined, Table B cl. 1*State defined*, Table B cl. 1*the Act defined*, Table B cl. 1*the seal defined*, Table B cl. 1

accounts, Table B, cl. 80

alteration of capital, Table B cl. 20-23

calls on shares, Table B cl. 9-11

capital

alteration, Table B cl. 20-23

share capital and variation of rights, Table B cl. 2-8

capitalization of profits, Table B cl. 106-107

directors

appointment, Table B cl. 46-55

managing, Table B cl. 74-76

powers and duties, Table B cl. 56-61

proceedings of, Table A cl. 62-73

dividends, Table B cl. 81-87

general meetings, Table B cl. 26-29

annual, Table B cl. 26

proceedings at, Table B cl. 30-45

indemnity, Table B cl. 113

interpretation, Table B cl. 1

notices, Table B cl. 108-111

reserves, Table B cl. 98-103

seal, Table B cl. 58, 79

secretary, Table B cl. 78

share capital and variation of rights, Table B cl. 2-8

shares

calls, Table B cl. 9-11

certificates, Table B cl. 8

conversion into stock, Table B cl. 19-22

lien of company on, Table B cl. 9-12

transfer, Table B cl. 12-14

transmission, Table B cl. 15-18

trust, held in, Table B cl. 7

stock, conversion of shares into, Table B cl. 19-22

transfer of shares, Table B cl. 12-14

transmission of shares, Table B cl. 15-22

winding up, Table B cl. 112

"writing" includes printing, etc., Table B cl. 1

repealed Act, relevant Table in, not affected, s. 4

Take-over Offers, s. 184, 10 Sch.*defined*, s. 184 (1)*offeree corporation defined*, s. 184 (1)*offeror corporation defined*, s. 184 (1)*take-over scheme defined*, s. 184 (1)

default in compliance with Act, liability for, s. 184 (6)

exemptions, grant of, power to make regulations respecting, s. 184 (9)

Take-over Offers—*continued*

- notice of scheme to be given by offeror corporation to offeree corporation, s. 184 (2) (a)
 particulars of terms to be included, s. 184 (2) (a)
 statement to be included in notice, s. 184 (2) (a), 10 Sch. B
 power to make regulations varying, s. 184 (8)
 time for giving, s. 184 (2) (a)
- notice to be given by offeror corporation to offeree corporation that offers have been made
 offer [and date thereof, s. 184 (6)
 contravention of statutory requirements, liability of offeror corporation and officers,
 [s. 184 (6)
 copy of statement accompanying notice to be attached, s. 184 (2) (b) (i)
 if statement given by offeree corporation to offeror corporation, copy of statement to
 [be attached, s. 184 (2) (b) (ii)
 must comply with prescribed requirements, s. 184 (2) (b), 10 Sch. A
 power to make regulations varying requirements, s. 184 (8)
 notice of scheme to be given by offeror corporation to offeree corporation—*see* notice
 [above
 notice to be given by offeror corporation to offeree corporation that offers have been
 [made and date thereof, s. 184 (5)
- Registrar, lodgement of documents or notices with, power to make regulations requiring, s.
 regulations power to make [184 (10)
 provision for granting of exemptions, s. 184 (9)
 requiring lodgment of documents or notices with Registrar or stock exchange or both,
 [s. 184 (10)
 variation of requirements with which take-over offers and statements to comply,
 [s. 184 (8)
- requirements with which offer must comply, s. 184 (2) (b), 10 Sch. A
 power to make regulations varying, s. 184 (8)
- statement to be given by offeree corporation to offeror corporation or to each holder of
 [shares in offeree corporation, s. 184 (3), (4), 10 Sch. C
 contents
 information required to be included, s. 184 (3), 10 Sch. C
 power to make regulations varying, s. 184 (8)
 such additional information as directors think fit, s. 184 (4)
 failure to comply with statutory requirements, liability of offeree corporation and
 [officers, s. 184 (6)
 statement given by offeree corporation to offeror corporation, liability for untrue
 [statements or wilful non-disclosure, ss. 46, 47 184 (7)
 civil liability to persons who accept offer, ss. 46, 184 (7)
 criminal liability, ss. 47, 184 (7)
 time for giving, s. 184 (3)
- stock exchange, lodgment of documents or notices with, power to make regulations requiring,
 [s. 184 (10)

Take-over Scheme—*see* **Take-over Offers**

defined, s. 184 (1)

Taxes, priority in winding up, s. 292 (1) (e)

Tax-free Payments to directors prohibited, s. 128

Third Party Insurance, rights under in winding up, s. 292 (5)

Time—*and see*, as to times for lodging notices, returns and other documents with Registrar,
 [Appendix B published with this index

abridgment, power of court, s. 366 (4)

deficiency of, proceeding not invalidated unless substantial injustice caused, s. 366 (1)

enlargement, power of court, s. 366 (4)

prosecution, for, s. 381 (2)

Title of Act, s. 1

Trade Marks, implied powers with respect to, 3 Sch. 3

Trade Union Act, saving as to, s. 4 (3)

Transfer of Shares, Debentures and Other Instruments, ss. 90, 95-99

articles, transferable in manner provided by, s. 90 Table A cl. 20-23, Table B cl. 12-14

certification of instruments of, provisions regarding, s. 98

foreign company, shares on branch register, application of provisions of Act relating to
 [transfer and rectification, s. 358

instrument of transfer, proper, to be delivered to company, s. 95 (1)

Transfer of Shares, etc.—continued

- issue of certificates and debentures, duty of company with respect to, s. 99
- default
 - liability for, s. 99 (2)
 - power of court, s. 99 (3)
- personal representatives, by, s. 95 (2)-(5)
 - constituted under law of another State or Territory of Commonwealth, s. 95 (3)-(5)
 - probate or letters of administration sufficient evidence of grant, s. 95 (5)
 - valid though personal representative not member of company, s. 95 (2)
- proprietary company, articles must restrict transfer of shares, s. 15 (1) (a)
- rectification of register, s. 155
- registration of
 - proper instrument of transfer to be delivered to company for, s. 95 (1)
 - refusal, notice to be given to transferee, s. 97
 - transferor, at request of, s. 96
 - calling in of share certificates or debentures and instruments of transfer from [person having custody or control s. 96 (2)-(5)
- transmission by operation of law, s. 95 (1), Table A cl. 24-27, Table B cl. 15-18
- winding up, transfer of shares after commencement of
 - voluntary winding up, transfer otherwise than to or with sanction of liquidator void, [s. 256
 - winding up by the court, transfer void unless court otherwise orders, s. 227

Transitory Provisions, s. 4**Translation**

- documents in foreign language, necessity for, s. 371
- documents available for public inspection, s. 371 (2)
- documents lodged with Registrar, s. 371 (1)

Treasurer

- moneys held in trust for shareholder not assenting to scheme, where still held after two [years, s. 185 (7)
- shares, transfer to, where whereabouts of shareholder unknown, s. 364
- unclaimed assets to be paid by liquidator to, s. 286

Tribute Arrangements, restrictions on making by no-liability company, s. 333**Trust**

- breach of
 - relief from liability for
 - court may grant, s. 365
 - provisions for, in articles, contract or otherwise, void, s. 133
 - indemnity by company, in respect of successful defence to proceedings [or where court relieves, s. 133 (2)
 - winding up, appearing in course of, power of court to assess damages against [delinquent promoters and officers, s. 305
- employees, for benefit of, rule against perpetuities not applicable to, s. 386
- notice of, not to be entered in register or receivable by Registrar, s. 156 (4)
 - exception as to identification in register as held in respect of particular trust, s. 156 (3)

Trust Deed—see Debentures ; Interests Other Than Shares, Debentures, etc., approved deed**Trustee**

- debenture holders, for—see Debentures
- interests other than shares or debentures, for holders of—see Interests Other Than Shares, [Debentures, etc.
- proprietary company, holder of shares as trustee for corporation to give notice to secretary [s. 156 (5)
- relief from liability for breach of trust—see Trust
- shares, registration as proprietor of, and liability in respect of, s. 156

Ultra Vires Transactions—see Powers of Company**Uncalled Capital**

- charge on, to be registered, s. 100 (3) (b)
- special resolution that not to be capable of being called up except in winding up, s. 56
 - unlimited company, by, on conversion to limited company, s. 62 (3)

Unclaimed Moneys

- certificate as to, in annual return, 8 Sch.
- moneys held in trust for shareholder not assenting to scheme, s. 185 (8)

Unclaimed Moneys—*continued*

- proceeds of acquisition of shares of shareholder who has not assented to contract or scheme [approved by majority, s. 185 (8)]
- unclaimed shares, proceeds of sale of, s. 364
- winding up, in—*see* **Winding Up**

Unclaimed Shares, transfer to Treasurer and disposal of, s. 364**Undertaking of Company**arrangements and reconstructions—*see* **Arrangements and Reconstructions**floating charge on—*see* **Floating Charge**

sale of

- implied power of company, 3 Sch. 16
- voluntary winding up, in power of liquidator to accept shares or other interests in
- take-over—*see* **Take-over Offers** [purchasing coporation, s. 270]

Underwriting

investment company, by, restrictions on, s. 377

offer or invitation to enter into underwriting agreement is not offer to public of shares or payment of commission, s. 58 [debentures, s. 5 (6)]

Undistributed Assets—*see* **Winding Up**, unclaimed moneys**Undue Preference, Avoidance in Winding Up**, s. 293**Unissued Shares**

cancellation of, s. 62 (1) (e)

not deemed reduction of capital, s. 62 (2)

option to take up

after five years from grant of option void, s. 68 (1)

exception where by way of redemption of debentures, s. 68 (2)

grant of, directors' report on balance sheet to state particulars, s. 162 (8)

Unit*defined*, s. 5 (1)**Unincorporated Associations**, of more than twenty members for gain, prohibited, s. 14 (3)**Unit Trust Company**—*see* **Investment Companies****Unlimited Company***defined*, s. 5 (1)

articles must be registered, s. 29 (1)

form, printing, division into numbered paragraphs and signature by subscribers to [memorandum necessary, s. 29 (3)]

number of members to be stated, s. 29 (4)

increase, notice must be lodged with Registrar, s. 29 (5), (6)

share capital, amount and division into shares of fixed amount must be stated, s. 29 (2)

conversion to limited company, s. 25

power to increase nominal share capital subject to condition of not calling up except [in winding up, s. 62 (3) (a)]

power to provide that uncalled capital not callable except in winding up, s. 62 (3) (b)

holding company, where, subsidiary cannot be member, s. 17

reference to shares to be read as reference to any interest of member, s. 17 (6)

memorandum of, s. 18 (1)

reduction of share capital by, s. 64 (11)

winding up, money due by contributory, allowance of set-off of debt due to him, s. 245 (2) (a)

Unregistered Companies

prohibition of unincorporated associations of more than twenty members for gain, s. 14 (3)

winding up, ss. 314-318

unregistered company defined, s. 314 (1)

actions or proceedings

leave of court necessary to proceed or commence after winding up order, s. 317 (2)

stay or restraint of, provisions extend to action against contributory, s. 317 (1)

application of provisions relating to winding up of companies, ss. 314-318

court or liquidator may exercise powers exercisable in winding up of companies, [s. 314 (2)]

defunct companies, application of provisions where place of origin is State, [s. 318 (2)]

Unregistered Companies—continuedwinding up—*continued*

application of provisions relating to winding up of companies—*continued*
 grounds for winding up, s. 315 (1) (c)
 principal place of business deemed registered office, s. 315 (1) (a)
 special provisions cumulative on general provisions, s. 314 (2)
 voluntary winding up not available, s. 315 (1) (b)

contributories, persons who are, s. 316 (1)
 bankruptcy, effect of, s. 316 (2)
 death, effect of, s. 316 (2)

foreign company, provisions apply to, s. 314 (1)
 dissolution or ceasing to exist where incorporated, may be wound up notwithstanding, s. 315 (1) (c) [standing, s. 315 (3)]
 ceasing to have place of business or ceasing to carry on business in State, [s. 315 (1) (c) (i)]

to carry on business defined, ss. 315 (4), 344

inability to pay debts, s. 315 (1) (c) (ii), (2)

defined, s. 315 (2)

action against member for company debt, failure after notice to pay secure or compound, or to procure stay of proceedings, or to indemnify defendant, s. 315 (2) (b)

execution issued and returned unsatisfied, s. 315 (2) (c)

neglect to pay or secure debt after service of demand, s. 315 (2) (a)

proof to satisfaction of court, s. 315 (2) (d)

liquidator may exercise same powers as in winding up companies, s. 314 (2)

outstanding assets after dissolution, s. 318

place of origin or incorporation proclaimed State, vesting in such person as entitled according to laws of place of incorporation or origin, s. 318 (1)

Governor may declare State or Territory of Commonwealth having [similar laws to be proclaimed State, s. 318 (3)]

place of origin State, application of provisions relating to defunct companies, [s. 318 (2)]

stay and restraint of proceedings, power of court in respect of—*see* actions or proceedings [ings *above*]

unincorporated partnership, association or company of more than five members, [provisions apply to, s. 314 (1)]

Unsecured Note, s. 38 (3)**Vacancy**

auditor, in office of, s. 165 (3)

director, in office of—*see* **Directors**

liquidator, in office of

voluntary winding up, s. 265

winding up by the court, s. 232 (6)

Valuation

annuities and contingent and future liabilities, of, in winding up, s. 291

debts and claims in winding up, of, s. 291

Variation of Shareholders' Rights, s. 65 (1)

arrangement, in pursuance of, s. 181

Vendors to Company

no-liability company, no preference to in winding up, s. 332

prospectus, names and particulars of transaction to be stated in, 5 Sch. I, 10, 11

statement in lieu of prospectus, names and particulars of transaction to be stated, 6 Sch.

Vesting of Property

disclaimer by liquidator, on, s. 296 (6), (7)

winding up by the court, court may order vesting in liquidator, s. 233 (2)-(4)

Voluntary Winding Up—*see* Winding Up, Voluntary**Voting—*see* Meetings****Wages, Priority of Payment of**

receiver, by, s. 196

winding up, in, s. 292 (1) (b), (3)

War, implied power to transact business in aid of Commonwealth in prosecution of, s. 19 (b)**Warrant, Share, prohibition of issue, s. 57**

- Winding Up**, ss. 216-318—*see also* **Liquidators**; **Winding Up by the Court**; **Winding Up, Voluntary**
 accounts, proper books not kept by company throughout two years preceding winding up,
 accounts to be filed by liquidator every six months, s. 281 [s. 303
 copy to be open for inspection, s. 281 (3)
 notice to be given to creditors and contributories, s. 281 (4)
 Registrar may have audited, s. 281 (2), (5)
 annuities, valuation of, application of bankruptcy rules, s. 291 (2)
 appeal to court against act or decision of liquidator, s. 279
 arrangement with creditors—*and see* **Arrangements and Reconstructions**; **Winding Up by the**
 Court; **Winding Up, Voluntary**
 Crown bound by provisions in Pt. X (winding up), s. 217
 assignment by company of all property to trustees for benefit of creditors is void, s. 293 (3)
 attachment, avoidance of—*see* execution creditors *below*
 audit of liquidator's accounts, costs of, priority in winding up, s. 292 (1) (a)
 avoidance of transactions
 floating charge created by insolvent company within six months before winding up,
 [except to amount of cash paid to company and interest, s. 294
 preferences, s. 293
 transfer or assignment by company of all property to trustees for benefit of creditors,
 bankruptcy of contributory, liability of trustee, s. 220 (2) [s. 293 (3)
 bankruptcy rules, application to insolvent company
 proof of debts, s. 291
 rights of secured and unsecured creditors and debts provable and valuation of
 [annuities and future and contingent debts, s. 291 (2)
 preferences, avoidance of, s. 293 (1), (2)
 books and papers of company
 offences in respect of—*see* offences *below*
 to be *prima facie* evidence as between contributories, s. 284 (1)
 to be retained by liquidator for five years and may then be destroyed, s. 284 (2)
 circumstances in which earlier destruction authorized, s. 284 (3)
 exclusion from responsibility where authorized destruction, s. 284 (4)
 books to be kept by liquidator, s. 277
 breach of trust by promoter, liquidator or officer, power of court to assess damages, s. 305
 business of company carried on with intent to defraud creditor or for fraudulent purpose,
 [liability of person knowingly a party, s. 304
 court may declare him personally responsible for debts or other liabilities of company
 [s. 304 (1)
 liquidator may give evidence or call witnesses, s. 304 (6)
 power of court to give further directions and to make liability a charge on
 criminal liability, s. 304 (4), (5) [certain property, s. 304 (2), (3)
 commenced under repealed Act, continuance of, s. 4
 commission for taking evidence, s. 290
 Companies Liquidation Account—*see* unclaimed moneys *below*
 compromise with creditors, power to make, s. 181—*and see* **Arrangements and Reconstruc-**
 tions
 contingent debts, proof for, s. 291
 contributories
 assignment of estate for benefit of creditors, liability of trustee, s. 220 (2)
 bankruptcy, liability of trustee, s. 220 (2)
 court to have regard to wishes of, s. 289
 regard to be had to voting power, s. 289 (3)
 death, liability of personal representative, s. 220 (1)
 directors whose liability is unlimited, s. 218 (2), (3)
 liability creates specialty debt, s. 219
 members, liability of past and present, s. 218 (1)
 company limited by guarantee, not to exceed amount undertaken to be con-
 [tributed, s. 218 (1) (e)
 company limited by shares and guarantee, s. 218 (4)
 not to exceed amount unpaid on shares, s. 218 (1) (d)
 past members, limitation on liability, s. 218 (1) (a)-(c)
 provisions in insurance policy restricting liability of individual members not
 [invalidated, s. 218 (1) (f)
 sums due to, by company, effect of, s. 218 (1) (g)
 control of court over liquidators, s. 278
 costs and expenses of winding up, priority of, s. 292 (1) (a)
 costs of petitioner, priority of, s. 292 (1) (a)
 creditors, court to have regard to wishes of, s. 289
 regard to be had to value of debts, s. 289 (2)

Winding Up—*continued*

- Crown bound by provisions relating to remedies against property of company, priorities
[of debts, and effect of arrangement with creditors, s. 217]
- damages, claims sounding only in, proof for, s. 291
- death of contributory, liability of personal representatives, s. 220 (2)
- debts
priority of—*see* priority of debts *below*
provable, s. 291
- default by liquidator to be made good, s. 282
- defunct companies—*see* **Defunct Company**
- directors
liability to contribute—*see* contributories *above*
- disclaimer of onerous property, s. 296
- dissolution of company—*see* **Dissolution**
- employee
person advancing moneys to have same priority, s. 292 (3)
priority over claims of debenture holders under floating charge, s. 292 (4)
remuneration in respect of annual or long service leave, priority of, s. 292 (1) (d)
wages or salary, priority of, s. 292 (1) (b)
- evidence, commission for taking, s. 290
- execution creditors, restriction of right of, ss. 297-299
goods defined, s. 297
sheriff defined, s. 297
creditor not entitled to retain benefit of execution or attachment unless completed
[before commencement of winding up, s. 298 (1)]
when completed, s. 298 (2)
- Crown bound by provisions, s. 217
- goods taken in execution
court may set aside liquidator's rights, s. 299 (3)
notice to sheriff of winding up proceedings before completion of execution,
[property and money to be delivered to liquidator, s. 299 (1)]
proceeds of execution to be held by sheriff for 14 days, s. 299 (2)
- expenses not to be incurred without leave unless sufficient available assets, s. 287 (1)
direction by Registrar on giving of indemnity by creditor or contributory, s. 287 (2)
- floating charge created by insolvent company within six months before winding up, invalid
[except to amount of cash paid to company and interest, s. 294]
- fraud, offences involving—*see* offences *below*
- illegal objects, company with, s. 384 (2)
- income tax, priority of, s. 292 (1) (e)
- indemnity given by creditors, assets or expenses recovered as result of, court may order
application with view to giving advantage to indemnifying creditors, s. 292 (9)
- "in liquidation" to appear on invoices, orders and letters, s. 283
- insolvent company, application of bankruptcy rules—*see* bankruptcy rules *above*
- inspector conducting special investigation, petition by Minister after report of, s. 175
- investment of surplus funds—*see* surplus funds *below*
- land improvement development or settlement, government advances for, priority of, s. 292 (1)
- land tax, priority of, s. 292 (1) (e) [(f)]
- liquidators—*see* **Liquidators**
- management company, of, winding up of schemes, etc. (interests other than shares, debentures,
meetings of creditors or contributories [etc.], s. 87)
- adjourned, date of resolution is date of passing, s. 288
court may call to ascertain wishes, s. 289
- members
division of assets amongst, Table A cl. 112, Table B cl. 94-95
guilty of offence, prosecution, s. 309—*see* prosecution *below*
liability to contribute—*see* contributories *above*
- mining development or encouragement, government advances for, priority of, s. 292 (1) (f)
- misfeasance by promoter, liquidator or officer, power of court to assess damages, s. 305
- modes, s. 216 (1), (2)
- municipal rates, priority of, s. 292 (1) (e)
- no-liability company
distribution of surplus, s. 330
restriction of rights of holders of vendors' and promoters' shares, ss. 331, 332
- offences
business of company carried on with intent to defraud creditors or for fraudulent
[purpose, liability of person knowingly a party, s. 304 (1), (4), (5)]
by officers, past or present
absence of intent to defraud, to what charges a defence, s. 300 (2)
accounting for property by fictitious losses or expenses, s. 300 (1) (g)
concealment, destruction, mutilation or falsification of book or paper, s. 300
[(1) (c) (iii)]

Winding Up—continuedoffences—*continued*by officers, past or present—*continued*

- concealment of property or debts, s. 300 (1) (c) (i)
- concealment or removal of property of company since or within two months
 - [before unsatisfied execution, with intent to defraud, s. 302 (c)]
- damages against delinquent officers, power of court to assess, s. 305
- destruction, mutilation, alteration or falsification of books, papers or securities,
 - [s. 301 (2)]
- disposal of property obtained on credit, s. 300 (1) (c) (vii)
- failure to deliver up property or books and papers, s. 300 (1) (b)
- failure to discover to liquidator property of company, s. 300 (1) (a)
- failure to inform liquidator of proof of false debt, s. 300 (1) (e)
- false entry, making of, s. 300 (1) (c) (iv)
- false or fraudulent entry in register or book of account, s. 301 (2)
- false representation or fraud for purpose of obtaining consent of creditors to
 - [agreement, s. 300 (1) (h)]
- fraud in relation to documents, s. 300 (1) (c) (v)
- inducing person to give credit to company by fraud or false pretences, s. 302 (a)
- making or causing to be made gift, etc., of property of company with intent to
 - [defraud creditors, s. 302 (2) (b)]
- material omission in statement relating to company's affairs, s. 300 (1) (d)
- obtaining property by false representation or fraud, s. 300 (1) (c) (vi)
- obtaining property on false pretence that company carrying on business,
 - [s. 300 (1) (c) (vii)]
- party to contracting of debt by company with no reasonable or probable
 - [expectation of ability to pay, s. 303 (3)]
- pawn, pledge or disposal of property obtained on credit, s. 300 (1) (c) (viii)
- preventing production of book or paper, s. 300 (1) (f)
- proper books of account not kept during period of two years before winding up,
 - [s. 303 (1), (2)]

proper books of account defined, s. 303 (2)

removal of property of company, s. 300 (1) (c) (iii)

- destruction, mutilation, alteration or falsification of books, papers or securities, s. 301
- false or fraudulent entry in register or book of account, s. 301 (2) (2)
- giving valuable security with view to securing appointment as liquidator, s. 301 (1)
- pawn, pledge or disposal of property obtained on credit
 - liability of officer, s. 300 (1) (c) (viii)
 - liability of person who knowingly takes property, s. 300 (3)
- prosecution of officer or member guilty of offence—*see* prosecution *below*
- repealed Act, commenced under, continuance of, s. 4

officers

- misapplication, etc., of money or property of company or misfeasance or breach of
 - [trust, power of court to assess damages, s. 305]

offences by—*see* offences *above*

official management in lieu of, s. 198

oppression of member, power of court to order winding up, s. 186 (2) (a)

preference, avoidance of, s. 293 (1), (2)

priority of debts, s. 292

Crown bound by provisions, s. 217

debts in each class rank equally *inter se*, s. 229 (2)

proof of debts, s. 291

contingent debts, s. 291

damages, claims sounding only in, s. 291

debts provable, s. 291 (1)

insolvent company, application of bankruptcy rules, s. 291

promoter, misapplication, etc., of money or property of company or misfeasance or breach of property of company

- [trust, power of court to assess damages, s. 305]

misapplication, etc., or misfeasance or breach of trust, power of court to assess

- [damages, s. 305]

offences in respect of—*see* offences *above*

prosecution of delinquent officers and members of company, s. 306

company unable to pay unsecured creditors more than ten shillings in pound,

- [liquidator to report to Registrar, s. 306 (3)]

costs and expenses of liquidator, s. 306 (9), (10)

Minister may direct payment out of moneys provided by Parliament, s. 306 (9)

payment out of assets as part of costs of winding up, s. 306 (10)

voluntary winding up, liquidator to report to Minister, s. 306 (2)

failure by liquidator to report, court may order report, s. 306 (5)

Winding Up—continued

- prosecution of delinquent officers, etc.—*continued*
 - where report made
 - Minister may investigate, s. 306 (4)
 - Minister not taking proceedings, liquidator may do so, s. 306 (4)
 - Minister or Registrar may institute proceedings, s. 306 (6)
 - liquidators and officers and agents to give assistance, s. 306 (6)
 - agent defined*, s. 306 (7)
 - liability for failure to assist, s. 306 (7)
 - winding up by the court, court may direct liquidator to prosecute or refer matter to rates, priority of, s. 292 (1) (e) [Minister, s. 306 (1)]
 - remuneration of liquidator, priority of, s. 292 (1) (a)
 - resolutions at adjourned meetings, date to be date of passing, s. 288
 - salary of employee, priority of, s. 292 (1) (b)
 - sales of property business or undertaking to or by company from or to directors or companies
 - having same director, recovery of difference between consideration and value, s. 295
 - secured and unsecured creditors, respective rights, application of bankruptcy rules, s. 291 (2)
 - shares, power of liquidator to disclaim, s. 296
 - special investigation, petition by Minister after report, s. 175
 - specialty debt, liability of contributories creates, s. 219
 - stock in corporations, power of liquidator to disclaim, s. 296
 - surplus funds may be invested in government securities or deposited at interest with bank, realization where required, s. 285 (1) [s. 285 (1)]
 - Table A, provisions of, distribution of assets, Table A cl. 112
 - Table B, provisions of, distribution of assets, Table B cl. 94-95
 - third party insurance policy, amount received under, to be paid to third party, s. 292 (5)
 - Act applies notwithstanding agreement to contrary, s. 292 (7)
 - right of third party to prove for balance, s. 292 (6)
 - transfer by company of all property to trustees for benefit of creditors is void, s. 293 (3)
 - unclaimed moneys to be paid to Treasurer and placed to credit of Companies Liquidation
 - [Account, s. 286 (1)]
 - court may order liquidator to submit account of unclaimed moneys in his hands, s. 286
 - payment by Treasurer to persons entitled, s. 286 (5) [(2), (3)]
 - appeal to court from decision of Treasurer, s. 286 (6)
 - subsequent claim by another person, s. 286 (7)
 - saving of rights and remedies of any person against liquidator or other person, s. 287
 - undue preference, avoidance of, s. 293 (1), (2) (4)
 - unprofitable contracts, power of liquidator to disclaim, s. 296
 - unregistered company, of—*see Unregistered Companies*
 - unsaleable property, power of liquidator to disclaim, s. 296
 - unsecured and secured creditors, respective rights, application of bankruptcy rules, s. 291 (2)
 - wages of employee, priority of, s. 292 (1) (b)
 - workers' compensation payments, priority of, s. 292 (1) (c)
 - priority provisions not applicable where company wound up for reconstruction or [amalgamation, s. 292 (8) (a)]
 - security given by company, priority of balance only, s. 292 (8) (b)

Winding Up by the Court, ss. 221-253—see also, for provisions applicable to every mode of winding actions and proceedings [up, **Winding Up**

- power of liquidator to bring or defend, s. 236 (2) (a)
- stay of—*see* stay of proceedings *below*
- alteration of status of members after commencement without leave prohibited, s. 227
- appointment of liquidator, s. 231
- assets
 - absence or insufficiency of, not ground for refusing order, s. 225 (1)
 - collection and application of, s. 244 (1)
 - raising money on security of, power of liquidator, s. 236 (2) (h)
 - surplus, s. 247 (2)
- attachment after commencement of, void, s. 228
- avoidance
 - of attachment, sequestration, distress or execution, s. 228
 - of dispositions of property, s. 227
- banker may be ordered to deliver property to liquidator, s. 245 (1)
- bankruptcy of creditor or contributory, power of liquidator where, s. 236 (2) (e)
- books and papers
 - court may give creditors and contributories right of inspection, s. 248
 - court may order delivery to liquidator, s. 245 (1)
 - production, power of court to order, s. 249 (3)
- business, failure to commence or suspension as ground, s. 222 (1) (c)

Winding Up by the Court—continued

- calls, court may order, s. 245 (3)
 - delegation of power to liquidator, s. 252 (d)
- carrying on of business, power of liquidator, s. 236 (1) (a)
- circumstances in which company may be wound up—*see* petition *below*
- commencement of effect
 - attachment, sequestration, distress or execution thereafter void, s. 228
 - dispositions thereafter void, s. 227
 - time deemed to commence, s. 223
- committees of inspection—*see* **Committee of Inspection**
- company, right to petition for its own winding up, s. 221 (1) (a)
 - special resolution, s. 222 (1) (a)
- compromise between liquidator and creditors or contributories, s. 236 (1) (c), (d), (2) (c)
- contingent creditor may petition, s. 221 (1) (b), (2) (c)
 - security for costs, s. 221 (2) (c)
- contingent liabilities, compromise of, s. 236 (1) (c), (d)
- contributory
 - absconding, may be arrested and books and papers seized, s. 251
 - may petition, s. 221 (1) (c)
 - limitations on right, s. 221 (2) (a)
 - rights *inter se* to be adjusted by court, s. 247 (2)
 - settlement of list of contributories, s. 244
 - surplus, distribution of, s. 247 (2)
- costs, charges and expenses, priority of, s. 247 (3)
- costs
 - petitioner's, priority of, s. 292 (1) (a)
 - proceedings before liquidator appointed, s. 224
 - to be paid by petitioner (other than company or liquidator), s. 224 (2)
 - reimbursement, s. 224 (2), (3)
 - where petition by company or liquidator, s. 224 (4)
- court
 - delegation of certain powers to liquidator, power to make rules for, s. 252
 - may fix time for proof of debts, s. 247 (1)
 - may make calls, s. 245 (3)
 - may order arrest of absconding contributory and seizure of books and papers, s. 251
 - may order contributory to pay money due to company, s. 245 (2)
 - extent to which set-off allowed, s. 245 (2)
 - may order delivery of property to liquidator, s. 245 (1)
 - may order inspection of books and papers by creditors and contributories, s. 248
 - may order payment of money into bank instead of to liquidator, s. 245 (4), (5)
 - may order rectification of register of members, s. 244 (1)
 - powers on hearing of petition, s. 225
 - power to examine persons connected with company, s. 249
 - statutory powers are cumulative on existing powers, s. 253
 - to adjust rights of contributories, s. 247 (2)
 - to cause assets of company to be collected and applied in discharge of liabilities, s. 244
- creditor
 - compromise with, power of liquidator, s. 236 (1) (c)
 - may petition, s. 221 (1) (b)
 - contingent or prospective creditor must give security for costs, s. 221 (2) (b)
 - payment in full, power of liquidator, s. 236 (1) (b)
- custody of company's property, s. 233
- death of creditor or contributory, s. 236 (2) (h) [s. 222 (2) (a)]
- debt greater than £50, failure to pay after demand, company deemed unable to pay debts,
- delegation of powers of court to liquidator, power to make rules for, s. 252
- delinquent officer or member, prosecution of, s. 309
- delivery of property to liquidator, court may order, s. 245 (1)
- directors, action unfair to members, s. 222 (1) (f)
- dispositions of property, avoidance of, s. 227
- dissolution of company—*see* **Dissolution**
- distress after commencement of, void, s. 228
- examination by court of persons connected with company, s. 249
 - public examination of directors, promoters, etc., where liquidator reports fraud or execution after commencement of, void, s. 228 [concealment, s. 250]
- execution returned unsatisfied, company deemed unable to pay debts, s. 222 (2) (b)
- grounds for petition—*see* petition *below*
- illegal objects, company with, s. 384
- inability to pay debts
 - as ground, s. 222 (1) (e)

Winding Up by the Court—continuedinability to pay debts—*continued*

- official management in lieu of winding up, s. 198 (1)
- what amounts to, s. 222 (2)

inspector investigating affairs of company, report by, as ground for winding up, s. 222 (1) (g)
 just and equitable, that winding up is, as ground, s. 222 (1) (h)
 court's duty to make order unless special circumstances shown, s. 225 (3)

liquidator—*see also* **Liquidators**

- may petition, s. 221 (1) (d)
- powers—*see* powers of liquidator *below*
- report, s. 235

lis pendens, petition to constitute, s. 229

member guilty of offence, prosecution of, s. 309

membership, reduction below statutory minimum number as ground, s. 221 (1) (d)

moneys

- court may order delivery to liquidator, s. 245 (1)
- orders are conclusive evidence that moneys are due, s. 245 (6)
- paid into bank, subject to orders of court, s. 245 (5)
- to be paid by liquidator into prescribed bank account, s. 238

officers of company

- court may order delivery of property by, to liquidator, s. 245 (1)
- court may order public examination where fraud or concealment reported by
 guilty of offence, prosecution of, s. 309 [liquidator, s. 250]

official management in lieu of winding up, s. 198 (1)

order of court for winding up

- copy to be delivered to liquidator, s. 230 (2) (e)
- copy to be served on secretary or manager of company, s. 230 (2) (b)
- default in compliance with provisions requiring lodgment with Registrar and service,
 [s. 230 (5)]

effect

- operation in favour of all creditors and contributories, s. 230 (4)
- stay of proceedings by or against company, s. 230 (3)

notice to be lodged with Registrar within seven days after making, s. 230 (1)

office copy to be lodged with Registrar, s. 230 (2) (a)

petition

amendment, power of court to direct, s. 225 (2) (e)

grounds

- action of directors unfair to members, s. 222 (1) (f)
- default in lodging statutory report or holding statutory meeting, s. 222 (1) (b)
- failure to commence or suspension of business, s. 222 (1) (c)
- inability to pay debts, s. 222 (1) (e), (2)
- inspector, recommendation of, s. 222 (1) (g)
- just and equitable, that winding up is, s. 222 (1) (h)
- reduction of members below statutory minimum, s. 222 (1) (d)
- special resolution for winding up, s. 222 (1) (a)

powers of court on hearing s. 225

who may be present, s. 221

withdrawal, power of court to direct, s. 225 (2) (e)

powers of court—*see* court *above*

powers of liquidator, s. 236

- application to court by liquidator, s. 237 (3)
- discretion of liquidator, s. 237 (4)
- liquidator to have regard to wishes of creditors and contributories, s. 237 (1), (2)

priority of costs, charges and expenses, s. 247 (3)

proceedings, stay of—*see* stay of proceedings *below*

proof of debts, court may fix time for, s. 247 (1)

property of company

- court may order delivery to liquidator, s. 245 (1)
- custody, liquidator to take into, s. 233 (1)
- sale, power of liquidator, s. 226 (2) (c)
- vesting in liquidator, s. 233 (2)-(4)

proprietary company, reduction of membership below two, as ground, s. 222 (1) (d)

prosecution of delinquent officers and members, s. 309

provisional liquidator—*see* **Liquidators**

public examination of directors, promoters, etc., where liquidator reports fraud or conceal-
 [ment, s. 250]

Registrar, notice and copy of winding up order to be lodged with, s. 230 (1), (2) (a)

default in compliance, s. 230 (5)

Winding Up by the Court—continued

- release of liquidator—*see* **Liquidators**
- report by liquidator, s. 235
- sequestration after commencement of, void, s. 228
- settlement of list of contributories, s. 244
 - contributories in own right to be distinguished from representatives, s. 244 (3)
 - dispensing with, s. 244 (1)
 - list is *prima facie* evidence, s. 244 (4)
- special investigation, petition by Minister after report of inspector, ss. 175, 221 (1) (e)
- special manager, appointment of, s. 246
- special resolution of company for winding up, s. 22 (1) (a)
- statement of affairs to be submitted to liquidator, s. 234
- statutory meeting, default in holding as ground, s. 221 (1) (b)
 - court's power to order holding, s. 225 (4)
- statutory report, default in lodging as ground, s. 222 (1) (b)
 - court's power to order lodgment, s. 225 (4)
- stay of proceedings against company
 - after winding up order, s. 230 (3)
 - power of court before winding up order made, s. 226
- stay of winding up proceedings, s. 244
- surplus, distribution of, s. 247 (2)
- voluntary winding up already commenced, where, s. 221 (1) (d)
 - petition may be presented where company is in course of, s. 221 (1)
 - court must be satisfied that voluntary winding up cannot be continued with due regard to interests of creditors and contributories, s. 221 (2) (d)
- winding up by court dates back to resolution, s. 223

Winding Up, Voluntary, ss. 216, 254-276—*see also*, for provisions applicable to every mode of [winding up, **Winding Up**

- creditors' voluntary winding up defined*, s. 5 (1)
- members' voluntary winding up defined*, s. 5 (1)
- account of conduct of winding up and disposition of property to be laid by liquidator before [final meeting, s. 272
- adjustment of rights of contributories, duty of liquidator, s. 269 (3)
- annual meetings—*see* meetings *below*
- application of provisions of Act, s. 216
- appointment of liquidator by court where no liquidator acting, s. 265
- arrangement between creditors and company, requisite consents by company and creditors, [s: 273
 - appeal to court against arrangement, s. 273 (4)
 - Crown bound by provisions, s. 217
- business to cease on commencement, s. 256 (1)
- calls, power of liquidator to make, s. 269 (1) (d)
- circumstances in which there may be—*see* resolution for *below*
- commencement
 - commences at time of passing resolution, s. 255
 - effect, s. 256
- contributory may apply to court to have questions determined or powers exercised, s. 274
- costs, charges and expenses, priority of, s. 275
- court, application to, to determine questions or to exercise powers given to court in winding [up by the court, s. 274
- creditor may apply to court to have questions determined or powers exercised, s. 273 (4)
- creditors'
 - defined*, s. 5 (1)
 - avoidance of attachment, sequestration, distress or execution put into force after committee of inspection, s. 262 [commencement, s. 263 (1)
 - appointment, s. 262 (1), (2)
 - may fix remuneration of liquidator, s. 261 (3)
 - proceedings of and vacancies in, s. 262 (3)
 - delivery of money, property books or papers to liquidator, court may require, s. 263 (3)
- liquidator—*see also* liquidator *below*
 - appointment, s. 261 (1), (2)
 - creditors may nominate, s. 261 (1)
 - different persons nominated by company and creditors, s. 261 (1), (2)
 - directors' powers cease on appointment, s. 261 (4)
 - remuneration, s. 261 (3)
 - vacancy in office, s. 261 (5)
- meeting of creditors—*see also* meeting *below*
 - to be held on day of, or day following, company meeting, s. 260
 - calling and procedure at meeting, s. 260
 - liquidator may be nominated by creditors, s. 261 (1), (2)

Winding Up, Voluntary—*continued*creditors'—*continued*

members' voluntary winding up proceeding as creditors', where company insolvent—
 sale of business or property to another company in consideration of shares, debentures,
 etc., or right to participate in profits, approval of court or committee of inspection
 necessary, s. 270 (5) [see members' below]
 stay or proceedings after commencement, s. 263 (2)

declaration of solvency, s. 257

failure to make or lodge, powers of court, s. 366
 members' voluntary winding up, necessity for, s. 5 (1) "members' voluntary winding
 [up]"

directors, power to make declaration of solvency, s. 257

disposition of property

by liquidator, valid in favour of *bona fide* purchaser for value without notice
 notwithstanding defect or irregularity in winding up, s. 268 (2)
 payment of money included, s. 268 (4)
 to liquidator, protection of person making where defect or irregularity in winding up,
 [s. 268 (3)]

dissolution of company after lodging of return of final meeting with Registrar, s. 272 (5)-(7)
 distribution of property in satisfaction of liabilities equally and subject thereto among
 effect, s. 256 [members, s. 264]

final meeting—*see meeting below*

limitation on right to wind up voluntarily where petition for winding up by court, s. 276

liquidator—*see also creditors' above, members' below*; **Liquidators**

account at final meeting, duty to, s. 272
 appointment by court where none acting, s. 265

list of contributories, power of liquidator to settle, s. 269 (1) (c)

meeting—*see also creditors' above, members' below*

of company and where creditors' winding up of creditors, duty of liquidator to call
 annually, where winding up continues beyond one year, s. 271
 final, for purpose of giving account of winding up, s. 272
 default by liquidator, s. 272 (8)
 dissolution of company, s. 272 (5)-(7)
 quorum, s. 272 (4)
 return to be lodged with Registrar, s. 272 (3), (4)
 to be advertised, s. 272 (2)

of company, power of liquidator to call, s. 269 (1) (e)

member, alteration in status after commencement of winding up void, s. 256 (1)

members'

defined, s. 5 (1)

declaration of solvency

necessity for, s. 5 (1) "members' voluntary winding up"
 provisions as to, s. 257

insolvency of company, liquidator to call creditors' meeting, s. 259

creditors may appoint some other person as liquidator, s. 259 (2)
 duty of person appointed to lodge notice with Registrar, s. 259 (4)
 proceeding as creditors' voluntary winding up
 where another person appointed liquidator, s. 259 (3)
 where another person not appointed, s. 259 (5)
 statement of assets and liabilities to be laid before meeting, s. 259 (1)

liquidators, s. 258—*see also liquidator above*

appointment, s. 258 (1)
 directors' powers cease, s. 258 (2)
 remuneration, company may fix, s. 258 (1), (3)
 vacancy in office, company may fill, s. 258 (3), (4)

modes of winding up, s. 216

payment of debts, duty of liquidator, s. 269 (2)

priority of costs, charges and expenses, s. 273 (4)

remuneration of liquidator—*see Liquidators*

priority of, s. 274

resolution for, s. 254 (1)

commencement of winding up at time of passing, s. 255
 not without leave of court, after petition for winding up by court on ground of
 [inability to pay debts, s. 276]

to be filed and notice given in *Gazette*, s. 254 (1)

default in compliance, s. 254 (3)

sale of business or property to another company in consideration of shares, debentures, etc.,
 [or right to participate in profits, s. 270]

creditors' voluntary winding up, approval of court or committee of inspection
 [necessary, s. 270 (5)]

Winding Up, Voluntary—*continued*

sale of business or property, etc.—*continued*

dissenting member requiring abstention from carrying resolution into effect or
[purchase of his interest, s. 270 (2)

election by liquidator to purchase interest, purchase money to be paid before
[dissolution, s. 270 (3)

price to be determined by agreement or arbitration, s. 270 (2), (5)

resolution not invalid if passed before or concurrently with winding up resolution,
[s. 270 (4)

winding up by court within year after resolution, resolution invalid unless sanctioned
[by court, s. 270 (4)

solvency, declaration of—*see* declaration of solvency *above*

statement of affairs to be attached to declaration of solvency, s. 257 (2)

transfer of shares after commencement void, s. 256 (1)

unregistered company, not available in case of, s. 315 (1) (b)

winding up by court, petition for, limitation on right to wind up voluntarily, s. 276

Wool Lien, granted by company, necessity for registration, s. 100 (3) (c) (ii)

Workmen's Compensation, liability accrued before winding up, priority in winding up, s. 292 (1)
[(c), (8)

APPENDIX A

TABLE OF OFFENCES, PENALTIES, ETC., UNDER THE COMPANIES ACT, 1962

Section of Act.	Offence.	Offender.	Maximum Penalty.
ADMINISTRATION OF ACT			
7 (8)	Making an inspection of books, etc., of a company, without making prescribed declaration	Registrar or person authorized by him	£100
7 (8)	Making a record of or divulging information received in the course of such inspection	Do.	£100
7 (9)	Failing to produce books, register or records of company on being required to do so by Registrar	Company or any officer	£100
7 (10)	Obstructing or hindering Registrar or authorized person	Do.	£100
9 (1)	Consenting to be appointed and knowingly acting as auditor when not a registered company auditor or when otherwise disqualified	Any person	£100
9 (4) (5)	Being a firm consenting to be appointed and knowingly acting as auditor unless all partners of the firm resident in Australia are registered company auditors and not otherwise disqualified	Each partner of the firm	£100
9 (17)	Giving false evidence in proceedings before Companies Auditors Board	Any person	To be guilty of wilful and corrupt perjury
10 (1)	Consenting to be appointed and acting as liquidator of a company when not qualified	Do.	£100
POWERS OF COMPANY			
21 (2)	Failing to lodge with the Registrar a copy of a resolution or document affecting the memorandum of a company	The company and every officer in default	£50. Default penalty
23 (2)	Failing to comply with a direction to change name of company	The company	£50. Default penalty

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
27 (6)	Failing, where court or Registrar has determined that a company has ceased to be a proprietary company, to lodge with Registrar a statement in lieu of prospectus, a statutory declaration in prescribed form verifying that s. 52 (2) (b) has been complied with and where an order has been made under s. 27 (1) an office copy of such order	The company and every officer in default	£50. Default penalty
27 (7)	Arranging any subscription for shares in or debentures of or any deposit of money with a proprietary company through a solicitor, broker, agent or any person who invites the public to use his services in arranging investments or holds himself out to the public as being in a position to arrange investments	The company and every person a party to the arrangement	£500
27 (8)	Making default in relation to a proprietary company in complying with any restriction, etc., of a kind specified in s. 15 (1) that is included or deemed to be included in the memorandum or articles of the company	The company and every officer in default	£500
29 (6)	In the case of an unlimited company, a company limited by guarantee, or a company limited by shares and guarantee, failing to lodge with the Registrar, notice of any increase in number of members	Do.	£50. Default penalty
34 (1) (4)	Failing to send copy of memorandum and articles to a member on request	Do.	£10
34 (2) (4)	Issuing copy of memorandum and articles without including prior alteration	Do.	£10
34 (3) (4)	Issuing copy of memorandum and articles without annexing copy of agreement required to be lodged with Registrar under s. 146 where such agreement affects memorandum or articles	Do.	£10
36	Carrying on business with fewer than statutory minimum of members for more than six months	The company and any member cognizant	£50. Default penalty

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
	PROSPECTUSES		
37 (1)	Issuing form of application for shares or debentures offered to the public without a prospectus (a copy of which has been registered by the Registrar)	Any person	£1,000
38 (1) (7)	Inviting the public to deposit money with or to lend money to any corporation (other than a prescribed corporation) unless a debenture is intended to be issued and a debenture is issued as soon as practicable	The corporation and every officer in default	£1,000
38 (2) (7)	Where such deposit or loan is not to be secured over the corporation's assets, failing legibly and prominently to state in the invitation that the document to be issued is to be an unsecured note or unsecured deposit note	Do.	£1,000
38 (3) (7)	Describing a document issued by a corporation acknowledging its indebtedness in respect of money borrowed by it where the debt is not secured by a charge over the corporation's assets, as a debenture	Do.	£1,000
39 (4)	Issuing a prospectus which does not comply with requirements of Act	Each director of corporation and other person responsible	£1,000
40 (4)	Publishing or disseminating an advertisement deemed to be a prospectus which does not comply with requirements of Act as to prospectuses	Publisher, every officer of corporation or other person authorizing the publication	£500
40 (6)	Person publishing or disseminating an advertisement who has obtained a certificate signed by at least two directors or proposed directors that such advertisement will not be deemed to be a prospectus, failing to deliver such certificate to the Registrar on Registrar's request	Person obtaining certificate	£500. Default penalty
41 (1)	Retaining oversubscriptions unless prospectus expressly reserves right to retain oversubscriptions and limits amount which may be retained	Corporation	£1,000

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
41 (2)	Where a corporation so reserves, making a statement as to asset backing other than a statement of total assets and total liabilities; prospectus not containing statement of total assets and liabilities after acceptance or retention of oversubscriptions to limit specified	Corporation	£100
42 (3)	Issuing a prospectus without a copy having first been registered by the Registrar	Corporation and every person knowingly a party to issue	£250
44 (7)	Failing to keep in a separate bank account all money received from applicants in pursuance of a prospectus indicating application to list on stock exchange	Corporation and every officer in default	£500
44 (8)	Failing to comply with written undertaking to comply with requirements of stock exchange	Each director in default	Imprisonment for three months or £500
44 (9)	Issuing a prospectus including an untrue statement that permission has been granted to list on stock exchange or misleading statement	Any person	Imprisonment for six months or £500
45 (2)	Issuing prospectus including statement by expert without consent of expert	Corporation and every person knowingly party to the issue	£500
47 (1)	Untrue statement or wilful non-disclosure in a prospectus	Person authorizing or causing the issue	Imprisonment for one year or £1,000 or both
48 (6)	Failing to comply with provisions with respect to minimum subscriptions, etc.	Director	—
	RESTRICTIONS ON ALLOTMENT AND COMMENCEMENT OF BUSINESS		
48 (8)	Allotting shares or debentures to the public on the basis of a prospectus after expiration of six months from issue thereof	Company or officer or promoter of a company	£500
49	Failing to hold in trust all application and other moneys until allotment of shares or debentures	Every officer of company in default, every person named as proposed director and every promoter knowingly permitting the default	£500

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
50	A public company having a share capital which does not issue a prospectus allotting shares or debentures unless at least three days before there has been lodged with the Registrar a statement in lieu of prospectus	The company and every officer in default	£500
51 (3)	Untrue statement or wilful non-disclosure in any statement in lieu of prospectus	Director signing the statement	Imprisonment for one year or £500 or both
52	Commencing business before entitled	Person responsible	£200. Default penalty : £50
54	Failing to file with Registrar within one month, return of allotment of shares	Every officer in default	£200. Default penalty : £50
SHARES			
58 (5)	Failing to lodge with Registrar statement in prescribed form of amount or rate of commission to person subscribing for shares or procuring subscription	Company and every officer in default	£50. Default penalty
59	Issuing shares at a discount without complying with provisions of section	Do.	£50. Default penalty
62 (4) (5)	Failing to lodge with Registrar within fourteen days notice of increase of share capital	Do.	£50. Default penalty
64 (10)	Wilfully concealing name of creditor entitled to object to reduction of share capital or misrepresenting nature or amount of debt or claim of creditor	Any officer of company	Imprisonment for three years
65 (5)	Failing to file with Registrar within fourteen days office copy of order affecting rights of holders of special classes of shares	Company and every officer in default	£100. Default penalty
66	Allotting preference shares or converting issued shares into preference shares unless rights of holders of preference shares are set out in memorandum or articles	Do.	£100
67	Unlawfully providing financial assistance for purchase of shares in own or holding company	Do.	Imprisonment for three months or £500
DEBENTURES			
70 (7)	Refusing inspection of register of debenture holders or refusing to or not forwarding copy thereof or of trust deed	Do.	£50. Default penalty

Index to Companies Act, 1962.

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
74 (3) (4)	Giving debenture or making trust deed not expressly containing required covenants	Corporation and every officer in default	£100
74	Not complying with provisions with respect to appointment of trustee for debenture holders	Do.	£200. Default penalty
INTERESTS OTHER THAN SHARES, DEBENTURES, ETC.			
86	Contravening or failing to comply with provisions relating to issue of interests or with covenant in approved deed	Any person	Imprisonment for twelve months or £500
TITLES AND TRANSFERS			
92	Failing to comply with requirements as to share certificates	Company and every officer in default	—
97	Failing to send transferee notice of refusal to register transfer	Do.	£50. Default penalty
99	Failing to issue certificates and debentures	Do.	£50. Default penalty
REGISTRATION OF CHARGES			
101	Failing to register charges	Do.	£50. Default penalty
102	Failing to register charges existing on property acquired by company	Do.	£50. Default penalty
104 (3)	Delivering debenture not endorsed with certificate of registration or statement of registration	Every person knowingly acting	£100
107	Failing to keep copies or charging instruments and register of charges open for inspection	Company and every officer in default	£100. Default penalty
OFFICE AND NAME			
111	Failing to have registered office open for certain hours to the public	Do.	£50. Default penalty
112	Failing to lodge with Registrar notice of registered office and office hours and any change therein	Do.	£50. Default penalty

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
113 (1)	Failing to publish name on seal, etc.	Company	£50. Default
113 (2)	Using seal, issuing statement, etc., whereon name of company does not appear	Any officer or person on company's behalf	£50. Default penalty
113 (3)	Failing to display name of company on all places of business and "Registered Office" at registered office	Company	£50. Default penalty
DIRECTORS AND OFFICERS			
115 (4)	Lodging with Registrar certified list of persons who have consented to be directors containing name of person who has not so consented	Person certifying list	—
116 (3)	Failing to vacate office of director when not qualified	Director	£200. Default penalty
117 (1)	Undischarged bankrupt acting as director of or managing company without leave of court	Any person	Imprisonment for six months or £500 or both
122	Persons convicted of certain offences being a director, promoter or managing a company	Do.	Imprisonment for six months or £200 or both
123	Failing to disclose interest in contract with company or to declare nature of any conflict which might arise owing to director holding other office or possessing property	Director	£500
124	Failing to act honestly and diligently or making use of information to an improper advantage	Director or officer	£500
125 (4)	Authorizing the making of a loan to a director of the company or entering into a guarantee or providing security for a loan to a director	Director	£200
125 (8)	Furnishing a false certificate that company is an exempt proprietary company	Director or secretary	Imprisonment for six months or £200
126 (3)	Failing to keep register or directors' shareholdings or refusing inspection or copy thereof	Company and every officer in default	£200. Default penalty
126 (9)	Failing to keep register at registered office open for inspection as required and failing to produce at annual general meeting	Do.	£500

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
127	Failing to give notice in writing of prescribed matters	Director	£500
128	Paying to director remuneration free of income tax or calculated by reference to or varying with rate of income tax	Company and every officer in default	£500
129 (3)	Failing to include in notice of offer made for shares particulars of compensation to directors for loss of office	Director or person properly required by director to include particulars	—
131	Failing to disclose when required total emoluments paid to each director	Company and every director	£500
134	Failing to keep prescribed register of directors, managers and secretaries, failing to keep register open to inspection and failing to lodge prescribed forms with Registrar	Company and every officer in default	£50. Default penalty
MEETINGS AND PROCEEDINGS			
135	Failing to hold statutory meeting, forward copy of statutory report, lodge copy thereof with Registrar, etc.	Every officer in default and every director failing to take reasonable steps to ensure compliance	£50. Default penalty
136 (4)	Failing to hold annual general meeting	Company and every officer in default	—
141 (4)	Authorizing an invitation to appoint a proxy to be sent at company's expense to some only of members entitled to be sent notice of meeting and vote thereat	Any person	£100
143	Failing to comply with requisition to circulate members with copies of intended resolutions, etc.	Company and every officer in default	£500
146 (1) (3)	Failing to lodge with Registrar a printed copy of every special resolution and certain other resolutions and agreements	Do.	£50. Default penalty
146 (2) (4)	Where articles have not been registered, failing to forward to every member a copy of such resolution or agreement when requested	Do.	£5 for each copy in respect of which default is made
148	Failing to enter and sign minutes of meetings	Do.	£100. Default penalty

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
149 (3)	Failing to furnish copy of minutes to member on request	Company and every officer in default	£20. Default penalty
REGISTER OF MEMBERS			
151	Failing to keep register and index of members	Do.	£50. Default penalty
152	Failing to keep register and index of members at registered office or to file notice of place kept with Registrar	Do.	£50. Default penalty
153	Failing to send copy of register of members when requested	Do.	£20. Default penalty
157	Failing to comply with provisions as to branch register	Company and every officer in default and any person who has arranged to make up principal register and is in default	£50. Default penalty
ANNUAL RETURNS			
158, 159	Failing to comply with provisions as to annual return	Company and every officer in default	£100. Default penalty
160 (2) (3)	Failing to comply with Governor's order to comply with provisions as to annual return	Do.	£100. Default penalty
ACCOUNTS			
161	Failing to keep accounts, to keep them open for inspection by the directors	Do.	Imprisonment for three months or £100. Default penalty
163 (1)	Failing to take all reasonable steps re keeping of proper books of account or wilfully causing any default by company	Director	Imprisonment for six months or £200
164	Failing to send copy of balance-sheet, etc., to members entitled to receive notice of general meetings or copy of auditor's report to any member on request	Company and every officer in default	£20. Default penalty
AUDIT			
166	Failing to forward statement of emoluments paid to auditor	Company and director in default	£500

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
167 (6)	Refusing any auditor access to accounting or other records or to give information or otherwise hinders, etc., an auditor	Any officer of company	£50. Default penalty
INSPECTION			
171 (4)	Failing to answer question put by inspector	Any officer or agent of corporation	Contempt of court
SPECIAL INVESTIGATIONS			
173 (5)	Failing to produce book or document to or answer question put by authorized person	Do.	Contempt of court
176 (1)	Destroying or altering any book, etc., or sending or conspiring to send such book, etc., out of State with intent to defeat purposes of this Division, etc.	Any person	Imprisonment for two years or £500
178 (3)	Failing to give information as to persons interested in shares, etc., or making false statement	Do.	Imprisonment for six months or £500 or both
179 (4)	Exercising right to dispose of restricted shares, voting in respect of such shares, and failing to notify person entitled to vote in respect of such shares	Do.	Imprisonment for six months or £500 or both
179 (5)	Issuing shares in contravention of restrictions	Company and every officer in default	£500
ARRANGEMENTS AND RECONSTRUCTIONS			
181 (5) (8)	Failing to annex copy of order sanctioning a compromise to copy of memorandum or other instrument issued after order made	Do.	£100
181 (7) (8)	Failing to instruct accountants or solicitors to report on proposal for compromise to forward reports to directors and make reports available for inspection	Do.	£100
182	Failing to supply information as to compromise with creditors and members	Do.	£500

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
183 (3)	Failing to file with Registrar office copy of order sanctioning compromise or facilitating reconstruction or amalgamation of companies and where order relates to land with Registrar-General or other relevant authority	Company and every officer in default	£100. Default penalty
184 (3) (6)	Failing to give prescribed statement to offeror corporation or shareholders of offeree corporation	Offeree corporation and every officer in default	Imprisonment for three months or £500
184 (5) (6)	Making a take-over offer in contravention of provisions or failing to give prescribed notice to offeree corporation	Offeror corporation and every officer in default	Imprisonment for three months or £500
186 (5) (6)	Failing to file with Registrar office copy of order made by court after application by member complaining that company's affairs are being conducted in oppressive manner	Company and every officer in default	£50. Default penalty
RECEIVERS AND MANAGERS			
191	Failing to file with Registrar notice of appointment of receiver or manager and failing to give notice of ceasing to act as receiver or manager	Every person in default	£50. Default penalty
192	Failing to state on invoices that receiver or manager has been appointed	Corporation and every officer, liquidator, receiver and manager wilfully authorizing default	
193	Failing to supply required information where receiver or manager appointed	Any person	£50. Default penalty
194	Failing to comply with requirements as to statement to be submitted to receiver as to affairs of company	Person required to make or verify statement	£50. Default penalty
195	Failing to file with Registrar prescribed accounts of receivers and managers	Receiver or manager	£50. Default penalty
OFFICIAL MANAGEMENT			
205	Failing to carry out duties of official manager	Official manager	£100

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
212	Failing to state on invoice, etc., that an official manager has been appointed	Company and every officer and official manager authorizing the default	—
WINDING UP BY THE COURT			
230	Failing to lodge with Registrar notice of winding up order, office copy thereof and serving copies as required	Petitioner	£50. Default penalty
LIQUIDATORS			
234	Failing after winding up order to submit prescribed statement of affairs to liquidator	Every person in default without reasonable excuse	Imprisonment for three months or £500 or both. Default penalty
238	Paying any sums received as liquidator into other than prescribed bank or account	Liquidator	—
240 (6)	Failing to file with Registrar office copy of order that liquidator be released or company be dissolved	Do.	£100. Default penalty
GENERAL POWERS OF COURT			
243 (3)	Failing to lodge with Registrar office copy of order staying winding up proceedings	Company	£50. Default penalty
VOLUNTARY WINDING UP			
254	Failing to file with Registrar copy of resolution for voluntary winding up and to give note thereof in <i>Gazette</i>	Company and every officer in default	£50. Default penalty
257 (4)	Making declaration of solvency without grounds for opinion that company will be able to pay its debts within stated period	Director	Imprisonment for six months or £500 or both
MEMBERS' VOLUNTARY WINDING UP			
259 (4)	Failing to lodge notice of appointment of other person as liquidator at meeting of creditors	Person appointed	£100. Default penalty

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
	CREDITORS' VOLUNTARY WINDING UP		
260	Failing to comply with provisions as to creditors' meeting and to lay statement of company's affairs before meeting, etc.	Company and every officer in default	£100
	VOLUNTARY WINDING UP		
271	Failing to call annual meeting	Liquidator	£100. Default penalty
272 (3)	Failing to lodge with Registrar return of final meeting with copy of account	Do.	£50. Default penalty
272 (7)	Failing to file with Registrar office copy of order deferring date of dissolution	Person on whose application order made	£50. Default penalty
272 (8)	Failing to call final meeting	Liquidator	£100. Default penalty
	EVERY WINDING UP		
280	Failing to lodge with Registrar notice of appointment of liquidator, his address, any change thereof and removal from office	Do.	£50. Default penalty
281 (1)	Failing to file accounts, etc., every six months	Do.	£50. Default penalty
283	Failing to include "in liquidation" after name of company on invoices, etc.	Company, every officer, liquidator, receiver and manager wilfully authorizing default	£20
284 (2)	Failing to retain all relevant books, etc., of company for 5 years from date of dissolution	Liquidator	£100
300 (1) (a)	Failing to discover to liquidator all property	Every past or present officer of company being wound up	Imprisonment for two years
300 (1) (b)	(i) Failing to deliver property up to liquidator	Do.	Do.
	(ii) Failing to deliver books and papers to liquidator	Do.	Do.

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
300 (1) (e)	Within 12 months next before commencement of winding up or any time thereafter		
	(i) Concealing property of company to value of £10 or upwards or any debt due to or from the company	Every past or present officer of company being wound up	Imprisonment for two years
	(ii) Fraudulently removing property of the company to value of £10 or upwards	Do.	Do.
	(iii) Concealing, destroying, etc., any book, etc., affecting property or affairs of company	Do.	Do.
	(iv) Making or being privy to making of false entry in books, etc.	Do.	Do.
	(v) Fraudulently parting with, destroying, etc., any document relating to property or affairs of company	Do.	Do.
	(vi) By false representation or other fraud obtaining property for company on credit for which company has not subsequently paid for	Do.	Do.
	(vii) Obtaining on credit for the company, under false pretence that company is carrying on its business, any property which company has not subsequently paid for	Do.	Do.
	(viii) Pawning, pledging, etc., any property of the company which has been obtained on credit and not paid for	Do.	Do.
300 (1) (d)	Making any material omission in any statement relating to affairs of company	Do.	Do.
300 (1) (e)	Failing to inform liquidator of false debt proved	Do.	Do.
300 (1) (f)	Preventing the production of any book, etc., affecting affairs or property of the company	Do.	Do.
300 (1) (g)	Attempting to account within 12 months next before commencement of winding up or at any time thereafter, for any property by fictitious losses	Do.	Do.

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
300 (1) (h)	Making false representation within 12 months next before commencement of winding up or at any time thereafter for purpose of obtaining consent of creditors to an agreement	Every past or present officer of company being wound up	Imprisonment for two years
300 (3)	Taking property in pledge or pawn knowing it to have been obtained on credit and not paid for	Any person	Do.
301 (1)	Offering inducement for appointment of certain person as liquidator	Do.	£100
301 (2)	Falsifying or destroying books, etc., with intent to defraud	Every officer or contributory of company being wound up	Imprisonment for two years
302	Where any company is subsequently wound up—	Officer of the company	Imprisonment for two years
	(a) by false pretences or fraud inducing any person to give credit ;		
	(b) with intent to defraud creditors making any gift, transfer or charge on, or conniving at levying execution against property of company ;	Do.	Do.
	(c) with like intent concealing or removing property since or within 2 months before any unsatisfied judgment or order	Do.	Do.
303 (1)	Failing to keep proper books of account during two years preceding winding up	Every officer in default	Imprisonment for one year or £200
303 (3)	Being a party to a debt provable in winding up, where no expectation that company could pay debt.	Any officer cognizant	Imprisonment for three months or £100
304	Carrying on business with intent to defraud	Every person cognizant	Imprisonment for one year
DISSOLUTION			
307 (2)	Failing to lodge with Registrar office copy of order declaring dissolution to be void	Person on whose application order made	£50. Default penalty

Appendix A

Section of Act.	Offence.	Offender.	Maximum Penalty.
NO-LIABILITY COMPANIES			
323	Failing to sell forfeited shares by public auction and to advertise such sale	Company and every officer in default	£100
INVESTMENT COMPANIES			
343	Failing to comply with provisions relating to investment companies	Do.	£1,000. Default penalty : £100
FOREIGN COMPANIES			
353 (3) (4)	Using in the State any name other than the name under which it is registered	Company, every officer in default and every agent wilfully authorizing	£100. Default penalty
354 (1) (3)	Failing to keep at registered office or some other place in the State a branch register for purpose of registering shares of resident members	Company, every officer in default and every agent of company wilfully authorizing	£50. Default penalty
361	Failing to comply with provisions relating to foreign companies	Do.	£50. Default penalty
ENFORCEMENT OF ACT			
369 (2)	Failing to keep register index, etc., with reasonable precautions for guarding against falsification, etc.	Company and every officer in default	£50. Default penalty
370 (2)	Failing to allow permitted person to inspect register, etc.	Any officer of corporation	—
OFFENCES			
374 (1) (8)	Going from place to place offering shares for subscription or purchase to the public	Any person	Imprisonment for six months or £200 or both, and in case of subsequent offence, imprisonment for 12 months or £500 or both
374 (3) (8)	Making an offer in writing to any member of the public of any shares for purchase unless accompanied by prescribed statement or prospectus	Do.	Do.

Table of Offences, Penalties, Etc.

Section of Act.	Offence.	Offender.	Maximum Penalty.
374 (8)	Acting or inciting or causing any person to act in contravention of s. 374	Do.	Do.
375 (1)	Making false and misleading statement as to capital	Corporation and every officer authorizing	£50
375 (2)	Wilfully making false statement in return, etc.	Every person	On indictment, to imprisonment for two years or £500 or both; on summary conviction, to imprisonment for six months or £200 or both
375 (3)	By false pretence or fraudulent promise persuading a person to subscribe etc., to shares, etc., or to lend money to company	Every person	Imprisonment for two years or £500
375 (4)	Aiding or abetting any such pretence or promise.	Every director or manager	Do.
376 (2)	Paying dividends out of what is not profits	Every director or manager	£500
377	Improperly using words "limited" or "no-liability" in title	Any person	£50. Default penalty
378	Improperly using word "proprietary"	Company and every officer in default	£50. Default penalty
379	Failing to comply with provisions of Act	Any person	£50 where not otherwise provided
381	Offering shares for sale in corporation with illegal objects	Any person	£100
399	Failing to lodge documents as to private company	Company and every officer in default	£50. Default penalty

APPENDIX B

DOCUMENTS, NOTICES, RETURNS, ETC., TO BE FILED WITH THE REGISTRAR
UNDER THE COMPANIES ACT, 1962

Particulars and Section	Time for Filing
ACCOUNTS AND AUDIT	
Life insurance companies. Copy of all documents required to be lodged under Commonwealth law, 162 (15)	Within nine months after expiration of period in which account was prepared
ALLOTMENT OF SHARES	
Return of allotments, 54	Within one month after allotment
ALTERATION OF OBJECTS	
Copy of resolution or order altering memorandum together with copy or memorandum as altered (if not dispensed with), 21 (2)	Within 14 days after resolution passed
Copy or resolution altering objects of company together with office copy of order (if any), 28 (8), (9)	Not before expiration of 21 days but within 14 days thereafter
ANNUAL RETURNS	
Annual return by company having a share capital, 158	Within one month or in case of company keeping branch register outside Commonwealth within two months after annual general meeting
Annual return by company not having a share capital, 159	Within one month after annual general meeting
ARRANGEMENTS AND RECONSTRUCTIONS	
Office copy of order sanctioning scheme, 181 (4)	Before order can take effect
Office copy of order approving of compromise or arrangement, 183 (3)	Within seven days after making of order
Office copy of order made by court where affairs are being conducted in a manner oppressive to one or more members, 186 (5)	Within 14 days after making of order
COMMENCEMENT OF BUSINESS	
Where prospectus issued, statutory declaration that minimum subscriptions allotted and directors have paid for shares, 52 (b)	Before commencement of business or exercise of borrowing powers
Where no prospectus issued, statement in lieu thereof and statutory declaration that directors have paid for shares, 52 (2) (a) (c)	Before commencement of business or exercise of borrowing powers
COMMISSION	
Statement disclosing where shares not offered to the public, 58 (1)	Before payment of commission

Documents, Notices, Returns, Etc.

Particulars and Section	Time for Filing
CONVERSION OF COMPANY	
Copy of special resolution to convert unlimited company to limited company, etc., 25	Before conversion takes effect
Copy of special resolution changing public company to proprietary company and <i>vice versa</i> , 26	Do.
Where a company has ceased to be a proprietary company, a statement in lieu of prospectus, statutory declaration that s. 52 (2) (b) has been complied with and office copy of order (if any), 27 (3)	Within 14 days
DEBENTURES	
Notice of place (other than registered office) or change of place in which register of holders of debentures is kept, 70 (2)	Within seven days of change
DIRECTORS AND OFFICERS	
Consent in writing to act as director together with, where applicable, undertaking to take and pay for qualification shares or statutory declaration that such shares are registered in his name, 115 (1)	Before registration of memorandum and articles or issue of prospectus or lodgment of statement in lieu thereof
List of persons who have consented to be directors, 115 (4)	On lodging memorandum or registration
Return containing particulars required to be specified in register of directors, managers and secretaries, 134 (6) (a)	Within one month after incorporation
Where person ceases to be or becomes a director, return notifying Registrar of change and containing particulars concerning each then director, 134 (6) (b)	Within one month after change
Where a person becomes a manager or secretary, return notifying Registrar of that fact and specifying name, address and other occupation of that person, 134 (6) (c)	Within one month
Return notifying Registrar that person has ceased to be a manager or secretary, 134 (6) (d)	Do.
FOREIGN COMPANIES	
Certified copy of certificate of incorporation or registration, 346 (1) (a)	Within one month after commencing to carry on business
Certified copy of its charter, statute or memorandum and articles, etc., 346 (1) (b)	Within one month after commencing to carry on business
List of directors, 346 (1) (c)	Do.
Memorandum stating powers of local directors, 346 (1) (d)	Do.
Memorandum of appointment or power of attorney stating the name and address of one or more persons resident in the State authorized to accept service of process, 346 (1) (e)	Do.

Appendix B

Particulars and Section	Time for Filing
Copy of deed authorizing person who executes memorandum of appointment or power of attorney on behalf of company, 346 (2)	At time of filing memorandum of appointment
Notice of situation of registered office and hours it is open to the public, 346 (1) (f)	Within one month after commencing to carry on business
Statutory declaration by agent of company, 346 (1) (g)	Do.
Memorandum of appointment of agent where previous agent has ceased to be an agent and company continues to carry on business in the State, 346 (8)	Within 21 days of agent ceasing to be an agent
Particulars of any change in any of the above matters, 347 (1)	Within one month of change within such further time as Registrar may in special circumstances allow
Notice of increase of share capital, 347 (2)	Do.
Notice of increase of number of members where company has not a share capital, 347 (3)	Do.
Copy of balance-sheet made up to end of last financial year, 348	At least once every calendar year and at intervals of not more than 15 months
In certain cases where a balance-sheet is not required, a return made up to date of annual general meeting, 348 (6)	At least once in every calendar year
Notice in prescribed form where suspension continues exempting company from payment of part of fees on ground that company has established a share transfer or registration office, but does not otherwise carry on business, 349	Do.
Notice of cesser of business or of liquidation, etc., 352	Within seven days of cesser of business
Notice of branch register and any change thereof, 354 (6), (7)	Within 14 days
INCORPORATION	
Memorandum and articles (if any), 16 (1)	—
Statutory declaration by legal practitioner that requirements of Act complied with, 16 (2)	On request by Registrar
INCREASE OF MEMBERS	
In case of unlimited company, company limited by guarantee or by shares and guarantee, notice of increase of number of members, 29 (5)	Within one month
INTERESTS OTHER THAN SHARES, DEBENTURES, ETC.	
Deed making provision for appointment of company as trustee for holders of interests or verified copy thereof, 78 (3)	Within seven days after approval

Documents, Notices, Returns, Etc.

Particulars and Section	Time for Filing
Where there is an approved deed in force, return relating to interests, etc., summary of all sales, etc., list of property, etc., 85	Within two months after end of financial year applicable to deed
MEETINGS AND PROCEEDINGS	
Copy of statutory report and auditor's report (if any), 135 (5)	At least seven days before statutory meeting
Special resolutions and every resolution or agreement which has been agreed to by all members of same class of shareholders, 146 (1)	Within one month of passing or making
OFFICIAL MANAGEMENT	
Copy of resolution appointing official manager or committee of management, 201 (2)	Within seven days after passing
Statement signed by auditors of company showing assets and liabilities, etc., together with a report thereon, 202 (2)	Within two months after expiration of six months after date of assumption of management and every subsequent six months
Written notice of resignation or removal from office, 205 (1) (d)	Within seven days
PRIVATE COMPANY	
Statement in lieu of prospectus and statutory declaration on company ceasing to be private company, 399 (2)	Within 14 days after ceasing to be private company
PROSPECTUSES	
Copy of prospectus, 39 (1)	—
Certificate signed by two directors that advertisement is not one which will be deemed to be a prospectus, 40 (6)	On request by Registrar
Where company is a public company having a share capital but does not issue a prospectus, a statement in lieu of prospectus, 50 (1)	At least three days before first allotment of shares or debentures
RECEIVERS AND MANAGERS	
Notification of appointment of receiver or cessation of appointment, 191	Within seven days after appointment or cessation
Copy of statement of company's affairs and any comments thereon, 193 (1) (c)	Within one month after receipt
Accounts and affidavit verifying, 195 (1)	Within one month after expiration of six months from appointment and every subsequent six months
REGISTERED OFFICE	
Notice of registered office and office hours or any change thereof, 112	Within one month of incorporation or change

Appendix B

Particulars and Section	Time for Filing
REGISTER OF MEMBERS	
Where register and index are kept at a place other than the registered office, notice of the place where they are kept or any change thereof, 152 (2)	Within seven days
Notice of situation of office where branch register is kept or of any change or discontinuance thereof, 157 (2)	Within one month
Notice of rectification of register of members, 155 (3)	On direction by court
REGISTRATION OF CHARGES	
Statement of particulars of certain charges created by company together with the instrument or verified copy thereof, 100 (1)	Within 30 days after creation of charge
Statement of particulars of existing charge on property acquired by company together with instrument or verified copy thereof, 102	Within 30 days
Memorandum of satisfaction and release of property from charge, 105	—
SHARES	
Notice of redemption of redeemable preference shares, 61 (8)	Within 14 days after redemption
Notice of increase of share capital, 62 (4)	Within 14 days
Office copy of order validating shares improperly issued, 63	Before shares deemed validly issued
Office copy of order confirming resolution for reducing share capital, 64 (6)	Before order may take effect
Office copy of order varying rights of holders of classes of shares, 65 (5)	Within 14 days
WINDING UP	
<i>By the Court</i>	
Notice of winding up order, its date and name and address of liquidator, 230 (1)	Within seven days after making of order
Office copy of order, 230 (2) (a)	Within seven days after passing and entering of order
Office copy of order vesting property of company in liquidator, 233 (3)	Within 7 days after making of order
Copy of statement of company's affairs, 234 (3)	Within seven days after receipt
Office copy of order releasing liquidator or releasing liquidator and dissolving company, 240 (6)	Within 14 days after making of order
Office copy of order staying winding up, 243 (3)	Within 14 days after making of order

Documents, Notices, Returns, Etc.

Particulars and Section	Time for Filing
<i>General</i>	
Notice of appointment and address of liquidator and notice of resignation or removal from office, 280	Within 14 days after appointment, etc.
Liquidators' accounts, 281 (1)	Within one month after expiration of six months from date of appointment and every subsequent six months
Office copy of order vesting disclaimed property in person entitled thereto, 296 (6)	Before property may vest
Report by liquidator where it appears that company will be unable to pay its unsecured creditors more than ten shillings in the pound, 306 (3)	Forthwith
Office copy of order declaring dissolution to be void, 307 (2)	Within seven days after making of order
Reply to Registrar's letter to effect that he has reasonable cause to believe that company is not carrying on business, 308 (2)	Within one month after date of Registrar's letter
<i>Voluntary</i>	
Resolution for, 254 (2) (a)	Within seven days after passing thereof
Declaration of solvency, 257 (3)	Before notices of meeting at which resolution for winding up is to be proposed are sent out
Return of holding of final meeting together with copy of account, 272 (3)	Within seven days after meeting
Office copy of order deferring dissolution, 272 (7)	Within 14 days after making of order
<i>Voluntary—Members</i>	
Notice of appointment of liquidator by meeting of creditors in case of insolvency, 259 (4)	Within seven days after meeting
GENERAL	
Where a document which is required to be lodged is not in the English language, a certified translation thereof, 371	At the same time as document is lodged