

STATUTORY RULES

1969 No. 222

RULES OF THE SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY*

PURSUANT to the *Australian Capital Territory Supreme Court Act 1933-1968*, IT IS ORDERED that the Rules of the Supreme Court of the Australian Capital Territory† be amended, as follows:—

1. These Rules shall commence on the nineteenth day of January, 1970.

2. The table of orders appearing immediately before Part I. of the Rules of the Supreme Court of the Australian Capital Territory is amended by omitting the words—

“ Order 75.—I.—Preliminary.

II.—Application of New South Wales Companies Rules, 1945.

III.—Investigation of Affairs of a Company.”

and inserting in their stead the following words—

“ Order 75.—I.—Preliminary.

II.—Procedure on Applications by Petition and Summons.

III.—Applications by Petition.

IV.—Applications by Summons.

V.—Appeals.

VI.—Winding-up and Petitions under Section 186.

VII.—General.”.

3. The Order 75 repealed by these Rules continues to apply to any proceeding application or matter commenced or made before the commencement of these Rules and to any winding-up which commenced before the commencement of the *Companies Ordinance 1962*.

4. The new Order 75 applies to all proceedings applications or matters under the *Companies Ordinance 1962* as amended from time to time and under the Rules of the Supreme Court of the Australian Capital Territory as amended by these Rules which are commenced on or after the commencement of these Rules.

5. Notwithstanding the amendments of the Rules of the Supreme Court of the Australian Capital Territory made by the new Order 75, the new Order 75 shall not apply to proceedings applications or matters in the winding-up of a company of which the winding-up commenced before the commencement of the *Companies Ordinance 1962*, except that they shall apply to proceedings applications or matters under sub-division E of Division 4 of Part X. of the *Companies Ordinance 1962*.

* Notified in the *Commonwealth Gazette* on 31 December 1969.

† Statutory Rules 1937, No. 85, as amended by Statutory Rules 1938, No. 99; 1939, Nos. 48 and 61; 1950, No. 22; 1956, No. 135; 1958, No. 64; 1962, Nos. 47 and 76; 1966, No. 132; 1967, No. 68; 1968, No. 13; and 1969, Nos. 57, 66 and 221.

6. Order 75 of the Rules of the Supreme Court of the Australian Capital Territory is repealed and the following order inserted in its stead:—

“ORDER 75.

“I.—PRELIMINARY.

Interpretation.
N.S.W. r. 4.

“1.—(1.) In this Order, unless the contrary intention appears—

‘The Company’ means the company to which any proceeding application or matter under these Rules relates including a foreign company or unregistered company;

‘Liquidator’ includes a provisional liquidator;

‘The Ordinance’ means the *Companies Ordinance* 1962-1969 of the Australian Capital Territory or, if that Ordinance is amended, that Ordinance as so amended;

‘Party’ includes petitioner, applicant, appellant and respondent;

‘Prescribed Newspaper’ means in the case of a company whose registered office or if there shall be no such office then whose principal or last-known principal place of business is or was situate within the Territory, a daily newspaper published and circulating in the Territory; and in the case of any other company, a local newspaper circulating in the city or district where the registered office or if there shall be no such office then the principal or last-known principal place of business is or was situate;

‘Proceedings’ means proceedings under the Ordinance or this Order;

‘Registrar’ means the Registrar of the Supreme Court and includes an Acting Registrar of the Supreme Court and subject to the provisions of any Act or Ordinance a Deputy Registrar of the Supreme Court;

‘Registrar of Companies’ means the Registrar of Companies holding office under the Ordinance, and includes an Acting Registrar of Companies and a Deputy Registrar of Companies so holding office.

“(2.) In these Rules, unless the contrary intention appears, expressions defined by the Ordinance have, subject to the last preceding sub-rule, the same respective meanings as they have in the Ordinance.

“(3.) In this Order, and in a form referred to in this Order, a reference to the Companies Rules, 1969, shall be read as a reference to the provisions of this Order as in force from time to time.

“(4.) A reference in this Order to a form by number shall be read as a reference to the form so numbered in the Seventh Schedule to these Rules.

“II.—PROCEDURE ON APPLICATIONS BY PETITION AND SUMMONS.

Filing
documents.
N.S.W. r. 6.

“2. If a day is appointed for the sitting of the Court in company matters, every petition and summons shall, except in a case of urgency, be made returnable on that day.

Title of
proceedings.
N.S.W. r. 7.

“3. Every petition, summons, notice, affidavit and other proceedings under any petition or summons and every proceeding in a winding-up shall be dated and shall with any necessary additions be intitled as in Form No. 1. Numbers and dates should be denoted by figures.

Service of
petition or
summons.
N.S.W. r. 8.

“4. Every petition or summons shall be served upon every person against whom any order or other relief is sought unless the Court otherwise orders.

Mode of
service of
petition or
summons on
companies.
N.S.W. r. 9.

“5.—(1.) Every petition or summons to be served upon a company shall be served at its registered office in the Territory, if any, and if there is no such registered office, then at its principal or last known principal place of business in the Territory, if any such can be found, by leaving a sealed copy with any

member officer servant or agent of the company there, or if no such member officer servant or agent can be found there, then by leaving a sealed copy at such registered office or principal place of business, or shall be served on such person or persons and in such manner as the Court may direct.

“(2.) Every petition or summons to be served upon a company in liquidation shall be served upon the liquidator of the company by leaving a sealed copy with him or with any officer or servant of the liquidator at his office registered in pursuance of the Ordinance, and in case no such officer or servant can be found there, then by leaving a sealed copy at such office. Any petition or summons so served shall be deemed good service on the company.

“(3.) Proof of service shall be given by affidavit in Form No. 2 or 3.

“6. Service of every petition or summons on persons except a company shall be personal but where prompt personal service cannot be effected the Court may make such order for substituted or other service or for the substitution for service of notice by advertisement or for dispensing with service or otherwise as may be just. Every application to the Court for an order for substituted or other service, or for the substitution of notice for service or for dispensing with service, shall be supported by an affidavit setting forth the grounds upon which the application is made.

Mode of service of petition or summons on persons except companies.
N.S.W. r. 10.

“7. Any document referred to as an exhibit in an affidavit shall be made available free of charge upon request for inspection by any party to the proceeding unless the Court shall otherwise order.

Inspection of exhibits.
N.S.W. r. 11.

“8. Any person served with a petition or summons who intends to appear on the hearing thereof shall, before being heard, enter an appearance in the Registrar's office. The appearance shall be in accordance with Form No. 4. The provisions of Order 13, Rules 2, 3, 4, 5, 6 and 9 shall, *mutatis mutandis*, be followed as closely as possible.

Appearance.

“9. The forms in the Seventh Schedule where applicable, and where they are not applicable forms of the like character with such variations as circumstances may require, shall be used. References to Forms shall mean the Forms in the Seventh Schedule. Where by any provision of these Rules any Form in the Seventh Schedule is directed, required or prescribed to be the Form to be used it shall, unless the Court otherwise orders, be a compliance with such direction, requirement or prescription to use a form which does not differ materially from the form in the Seventh Schedule.

Forms.
N.S.W. r. 13.

“10. Where the Court orders an inquiry as to the debts claims or liabilities of or affecting a company or any of them the procedure to be followed shall, *mutatis mutandis*, follow as closely as possible the procedure laid down in Rule 26 of the Rules.

Inquiry.
N.S.W. r. 14.

“11. All orders made upon petition or summons shall be drawn up, passed and filed within seven days after they have been made.

Taking out orders.

“12. If the person having the carriage of such order does not draw up, pass and file the same within seven days after it has been made, the carriage thereof may be in any other party appearing in the proceeding or matter and the party assuming such carriage shall be entitled to the costs thereof whatever may be the result of the proceeding or matter.

Carriage of orders.

“13. The provisions of Order 34 shall, *mutatis mutandis*, be followed as closely as possible in any proceeding or matter.

Interrogatories, discovery and inspection of documents.
N.S.W. rr. 18 and 19.

“14. The provisions of Order 35, Rules 2, 3, 4, 5, 7, 8 and 9 shall, *mutatis mutandis*, be followed as closely as possible in any proceeding or matter.

Admissions.

Particulars.
N.S.W. r. 20.

“15.—(1.) Any party to a proceeding or matter may apply to the Court for an order directing any other party to give such particulars as the Court thinks fit of any allegation or statement in a petition or summons, and an order may be made accordingly.

“(2.) Where a party to a proceeding or matter is a company or any other body empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any party may apply to the Court for an order directing any member or officer of such company or body to give such particulars as the Court thinks fit of any allegation or statement in a petition or summons, and an order may be made accordingly.

Default.
N.S.W. r. 21.

“16. If any party or person fails to comply with an order to answer interrogatories, for discovery inspection or production of documents, or to give particulars, he shall be liable to attachment or, if a corporation, to sequestration; and the Court may make such orders as it thinks fit, and without limiting the generality of the foregoing the Court may make orders dismissing the proceedings, strike out petitions, summonses or other documents, staying proceedings or as to costs.

Orders and
directions.
N.S.W. r. 22.

“17. Upon the hearing of any petition or summons or at any other time the Court may:—

- (a) Direct that notices be given to any person.
- (b) Dispense with any notices being given or steps being taken which are required by the Rules.
- (c) Direct a speedy hearing of the petition or summons or any issue or matter.
- (d) Direct service of documents upon any person.
- (e) Direct an inquiry as to the debts, claims or liabilities of or affecting the company or as to any of such debts, claims or liabilities.
- (f) Give such directions as to the proceedings as the Court thinks fit.

“ III.—APPLICATIONS BY PETITION.

“18. The following applications shall be made by petition:—

Petitions.
N.S.W. r. 23.

- (a) To cancel an alteration with respect to the objects of a company under section 28 of the Ordinance.
- (b) To confirm the issue of shares at a discount under section 59 of the Ordinance.
- (c) To validate the issue or allotment of shares under section 63 of the Ordinance.
- (d) To confirm a reduction of capital under section 64 of the Ordinance.
- (e) To cancel, disallow or confirm any variation or abrogation of the rights of holders of special classes of shares under section 65 of the Ordinance.
- (f) For approval to payment of interest on share capital out of capital under section 69 of the Ordinance.
- (g) To confirm a resolution to wind up a scheme under section 87 of the Ordinance.
- (h) By the Attorney-General for the winding-up of a company under section 175 of the Ordinance.
- (i) For approval to a compromise or arrangement under sub-section (2.) of section 181 and applications under section 183 of the Ordinance.
- (j) For relief against oppression under section 186 of the Ordinance.
- (k) For the winding-up of a company by the Court under section 221 of the Ordinance.
- (l) For the winding-up of an unregistered company under section 315 of the Ordinance.

" 19. Every petition shall be presented at the Registrar's Office. The Registrar shall appoint the time and place at which the petition is to be heard. Notice of the time and place appointed for hearing the petition shall be written on the petition and sealed copies thereof. A petition when sealed with the seal of the Court shall be deemed to be presented. The original petition shall be filed in the Registrar's Office.

Presentation
of petition.
N.S.W. r. 24.

" 20. Every petition shall contain all the allegations necessary in support thereof and shall set out in the prayers thereof the nature of the relief sought. Every petition, except a petition to wind up a company or a petition under section 186 of the Ordinance, shall be in Form No. 5.

Form of
petition.
N.S.W. r. 25.

" 21. Unless the Court otherwise orders every contributory or creditor of the company shall be entitled to be furnished by the solicitor of the petitioner with a copy of the petition, within 48 hours after requiring same, on paying the rate of 20 cents per folio for such copy: Provided that if the petitioner has no solicitor an officer of the Court shall furnish such copy on payment of such fee.

Copy of
petition for
contributory
or creditor.
N.S.W. r. 26.

" 22. Every person who intends to appear on the hearing of a petition, except a person mentioned in Rule 8, shall serve on or send by post to the petitioner or his solicitor notice of his intention. The notice shall contain the name and address of such person and an address for service within three miles of the Registrar's Office, and shall be signed by him or by his solicitor and shall be served (or if sent by post shall be posted in such time as, in ordinary course of post, to reach the petitioner or his solicitor) not later than 1 p.m. on the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday or on a Tuesday following a Court holiday. Where a person intends to appear on the hearing of a petition and to support or oppose it, he shall give notice of his intention in Form No. 6. Where a person intends to appear on the hearing of a petition but has not decided to support or oppose the petition, he shall give notice of his intention in Form No. 7. A person who has failed to comply with this Rule shall not, without the leave of the Court, be allowed to appear on the hearing of the petition. A person so allowed to appear shall forthwith file an appearance.

Notice of
intention
to appear.
N.S.W. r. 27.

" 23.—(1.) The petitioner or his solicitor shall prepare and file not earlier than 1 p.m. on the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday, or on a Tuesday following a Court holiday, a statement containing the names and addresses of the persons who have given notice of their intention to appear on the hearing of the petition, and of their respective solicitors, which shall be in Form No. 8.

Statement
persons
appearing.
N.S.W. r. 28.

" (2.) If no notice of intention to appear has been received, a statement in writing by the petitioner or his solicitor to that effect shall be filed not earlier than 1 p.m. on the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday or on a Tuesday following a Court holiday which shall be in Form No. 9.

" 24.—(1.) Except in the case of petitions for winding-up and petitions under section 186 of the Ordinance, notice of the hearing of every petition shall, unless the Court otherwise orders, be advertised once in the *Gazette* and once in a prescribed newspaper not less than seven days before the day appointed for hearing the petition provided that on application by the petitioner or any person interested, the Court may authorise or direct that the petition not be advertised or may give special directions with regard to the advertisement thereof.

Advertisement.
N.S.W. r. 29.

" (2.) The advertisements shall state the date on which the petition was presented, the time, date and place appointed for the hearing and the name and address of the petitioner and of his solicitor and shall contain a note at the foot thereof, stating that any person who intends to appear on the hearing of the petition must send notice of his intention to the petitioner, or to his solicitor within the time and in the manner hereinbefore prescribed by Rule 22.

“(3.) In the case of petitions to confirm reductions of capital the advertisement shall be in Form No. 10 and in any other case Form No. 11.

Reduction of
capital—
Directions.
N.S.W. r. 30.

“25. Without limiting the power to give directions conferred on the Court by Rule 17 of this Order, where a petition to confirm a reduction of capital is presented to the Court, the Court may, upon the hearing of the petition or at any other time, make such orders and give such directions as it sees fit in relation to the petition, including directions with respect to any of the following matters:—

- (a) the publication of notices;
- (b) the settling of a list of creditors entitled to object to the proposed reduction;
- (c) the fixing of the date with reference to which the list of creditors is to be made out;
- (d) the holding of an inquiry as to the debts, claims or liabilities of or affecting the company or as to any such debts, claims or liabilities; and
- (e) the fixing of times for the taking of all other proper steps in the matter, whether expressly mentioned in these Rules or not.

Settlement
of list of
creditors and
inquiries.
N.S.W. r. 31.

“26. In cases where the Court has directed that a list of creditors be settled or directed an inquiry as to the debts, claims or liabilities of or affecting the company or as to any of such debts, claims or liabilities, the following provisions shall apply, subject to any dispensations modifications or variations specified by the Court in the direction:—

- (1) (a) Within seven days after the date as at which the list of creditors is to be made out or within such other time as the Court may order the company shall file an affidavit made by some officer or officers of the company competent to make the same verifying a list containing so far as possible the names and addresses of the creditors of the company to whom such inquiry extends.
- (b) The said list shall also state the amounts due to the creditors therein named respectively in respect of any debts, claims or liabilities to which the inquiry extends, or in the case of any such debt or claim payable on a contingency or not ascertained the value so far as can be justly estimated of such debt or claim.
- (c) Such list shall be filed with the affidavit.
- (d) The person making any such affidavit shall state therein his belief that the list verified by such affidavit is correct and that there was not at the date as at which the list of creditors is to be made out any debt claim or liability which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, except the debts, claims and liabilities set forth in such list and any debts, claims or liabilities to which the inquiry does not extend. Such affidavit shall be in Form No. 12.
- (e) Copies of such list containing the names and addresses of such creditors and the total amount due to them including in such total the value of any debts or claims estimated as aforesaid shall be kept at the registered office of the company, and any person desirous of inspecting the same may at any time during the ordinary hours of business inspect and take extracts from the same on payment of the sum of twenty cents.
- (2) Within seven days after the filing of the affidavit mentioned in paragraph (a) of sub-rule (1) of this Rule or such other time as the Court may order, notice of the presentation of the petition, of

the effect of the order directing the inquiry and of the list of creditors shall be published by the company once in the *Gazette* and once in a prescribed newspaper. Every such notice shall state the places where the aforesaid list of creditors may be inspected, and the time within which creditors of the company who are not but are entitled to be entered on the said list, and are desirous of being entered therein, must send in their names and addresses and the particulars of their debts or claims and the names and addresses of their solicitors (if any) to the company or its solicitor. Such notice shall be in Form No. 13.

- (3) The company shall within seven days after the filing of the affidavit mentioned in paragraph (a) of sub-Rule (1) of this Rule or such other time as the Court may allow, send to each creditor whose name is entered in the said list a notice stating the effect of the order directing the inquiry and the amount or estimated value of the debt or the contingent debt or claim or both for which such creditor is entered in the said list, and the time fixed by the Court within which, if he claims to be entitled to be entered on such list as a creditor for a larger amount, he must send to the solicitor for the company his name and address and the particulars of his debt or claim and the name and address of his solicitor (if any). Such notice shall be sent through the post in a prepaid letter addressed to each such creditor at his last known address or place or abode, and shall be in Form No. 14.
- (4) The company shall within seven days after expiration of the time fixed by the Court for creditors to send in particulars of their claims or within such other time as the Court shall direct, file an affidavit made by the solicitor for the company or his partner or some person in his employ stating the result of the notices mentioned in sub-Rules 2 and 3 of this Rule and verifying a list to be filed with such affidavit containing in alphabetical order the names and addresses of the persons (if any) who shall have sent in the particulars of their debts or claims in pursuance of such notices respectively and the amounts of such debts or claims. Some competent officer of the company shall join in such affidavit and shall in such list distinguish which (if any) of the debts and claims are wholly, or as to any and what part thereof, admitted by the company and which (if any) of such debts and claims are wholly, or as to any and what part thereof, disputed by the company and which (if any) of such debts and claims are alleged by the company to be wholly, or as to any and what part thereof, excluded from the inquiry. Such affidavit shall also state which of the persons who are entered either in the list of creditors kept in pursuance of paragraph (e) of sub-Rule 1 of this Rule or that made out in pursuance of this sub-Rule, have been paid or have consented to the proposed reduction. Such affidavit shall be in Form No. 15.
- (5) If the company contends that a person is not entitled to be entered in the list of creditors in respect of any debt or claim whether admitted or not or if any debt or claim the particulars of which have been sent in shall not be admitted by the company at its full amount, then and in every such case unless the company is willing to appropriate in such manner as the Court shall direct the full amount of such debt or claim, the company shall send to the creditor a notice that he is required to come in and prove before the Registrar such debt or claim or such part thereof as is not admitted by the company by a day to be therein named being not less than seven days after such notice and

being the time appointed by the Registrar for adjudication upon such debts or claims. Such notice shall be sent in the manner mentioned in sub-Rule 3 of this Rule and shall be in Form No. 16.

- (6) Every creditor who has received notice that he is required to come in and prove his debt or claim shall file an affidavit verifying his debt or claim and shall on the day fixed appear before the Registrar and there produce all deeds and documents necessary to prove his debt or claim.
- (7) The Registrar may adjourn the hearing of the proofs of debts and claims as often as he shall think fit and may on the hearing or any adjourned hearing direct such investigation of all or any of the debts or claims and require such further particulars information or evidence relating thereto as he may think fit and may hear evidence relating thereto as he may think fit and may disallow any debt or claim or any part thereof or fix the amount at which any any debt or claim is to be allowed.
- (8) Such creditors as come in to prove their debts or claims in pursuance of any such notice as mentioned in sub-Rule 5 of this Rule, shall be allowed their costs of proof against the company and will be answerable for costs in such manner as the Registrar shall think just. The Registrar may assess such costs or any portion thereof.
- (9) (a) Where the foregoing provisions of these Rules have been complied with the Registrar shall proceed to settle the list of creditors and the company shall obtain an appointment for the Registrar to settle the same. The result of the settlement of the list of creditors shall be stated in a certificate to be settled and signed by the Registrar.
- (b) Such certificate shall state, *inter alia*,—
 - (i) the debts or claims admitted at their full amount by the company;
 - (ii) the debts or claims the full amount of which the company is willing to appropriate;
 - (iii) the names of the creditors who have come in under sub-Rule 6 of this Rule and sought to establish their right to be entered in the list of creditors, distinguishing those whose debts or claims have been disallowed by the Registrar and those the amounts of whose debts or claims have been fixed by the Registrar and showing the amounts so fixed; and
 - (iv) the debts or claims the full amount of which the company does not admit or is not willing to appropriate or such as have been disallowed or the amounts of which have not been fixed by the Registrar.
- (c) No reference need be made in the certificate to any debts or claims to which the inquiry does not extend.
- (d) The certificate shall be in Form No. 17.

Date for hearing
petition after
inquiry by
Registrar.
N.S.W. r. 32.

“ 27.—(1.) In all cases where a list of creditors is settled the Registrar shall on settling his certificate fix the time and place for the further hearing of the petition which shall not be less than twenty-one days after the date of the settlement of the certificate.

“ (2.) On such day being fixed the company shall not less than five days before such day publish a notice in Form No. 18 once in the *Gazette* and once in a prescribed newspaper.

“ IV.—APPLICATIONS BY SUMMONS.

“ 28.—(1.) Except as provided by the Ordinance or these Rules, every application to the Court under the Ordinance or these Rules shall be made by summons.

Applications to be made by summons.
N.S.W. r. 34.

“ (2.) Applications to the Registrar may be made by summons or appointment.

“ 29. Every summons shall be issued from the Registrar’s Office. A summons when sealed shall be deemed to be issued. Except in the case of a summons issued pursuant to Rule 115, every summons shall be in Form No. 19 and the original of such summons shall be filed in the Registrar’s Office.

Issue and form of summons.
N.S.W. r. 35.

“ V.—APPEALS.

“ 30. Subject to the provisions of the Rules, this Part shall apply with regard to appeals against the following:—

Application.

- (a) Any order, decree, direction, decision or determination of the Registrar.
- (b) Any act, decision or refusal of the Registrar of Companies where an appeal lies under the Ordinance.
- (c) Any act, decision or determination of a receiver (or his successor) where an appeal lies under section 194 of the Ordinance.
- (d) Any arrangement where an appeal lies under section 273 of the Ordinance.
- (e) Any act, decision or determination of a liquidator where an appeal lies under section 279 of the Ordinance.

“ 31. Appeals to which this Part applies shall be to the Court and shall be instituted by issuing a summons out of the Registrar’s Office. The summons shall state the grounds of the appeal and shall be in Form No. 19.

Issue of summons.
N.S.W. r. 37.

“ 32. Appeals referred to in paragraphs (a), (b), (c), (f) and (g) of Rule 30 shall be instituted within twenty-one days from the date of the order, decree, direction, decision, determination, act or refusal complained of being made, given or done.

Time for appealing.
N.S.W. r. 38.

“ 33. Subject to the Ordinance the Court shall have power to extend the time for appealing or to amend the grounds of appeal on such terms as the Court shall think just. Subject to the Ordinance the Court may extend the time for appealing notwithstanding that the application for such extension is not made until after the time for appealing has expired.

Extension of time for appealing and amending grounds of appeal.
N.S.W. r. 39.

“ 34. An appeal shall not operate as a stay of proceedings unless so ordered by the Court.

Stay of proceedings.
N.S.W. r. 40.

“ 35. An appeal from any order, decision or determination of any officer of the Court shall be by way of rehearing.

Appeals as rehearing.
N.S.W. r. 41.

“ VI.—WINDING-UP AND PETITIONS UNDER SECTION 186.

“ 36.—(1.) Rules which from their nature and subject matter or by their headlines or terms are applicable only to the proceedings in a winding-up by the Court, shall not apply to the proceedings in a voluntary winding-up unless the Court otherwise orders.

Application of Rules.
N.S.W. r. 42.

“ (2.) Rules which from their nature and subject matter or by their headlines or terms are applicable only to the proceedings in a voluntary winding-up shall not apply to the proceedings in a winding-up by the Court unless the Court otherwise orders.

“(3.) Rules which from their nature and subject matter or by their headlines or terms are applicable only to the proceedings in a winding-up by the Court and proceedings in a creditors’ voluntary winding-up shall not apply to the proceedings in a members’ voluntary winding-up unless the Court otherwise orders.

Numbering
proceedings.
N.S.W. r. 43.

“37. The first proceeding in every winding-up matter shall have a number assigned to it in the Registrar’s Office, and all proceedings in any such matter subsequent to the first proceeding shall bear the same number as the first proceeding.

Inspection of
documents.
N.S.W. r. 45.

“38.—(1.) Any person who has been a director or officer of a company which is being wound-up, any contributory, any creditor, and the solicitor for any such person shall be entitled, unless the Court otherwise orders, at all reasonable times to inspect the file of proceedings and to take copies of or extracts from any document therein or to be furnished with such copies or extracts at a rate not exceeding twenty cents per folio. Any duly authorised officer of the Registrar of Companies shall have the same right without charge.

“(2.) If any contributory or creditor of any company in liquidation requires to see any document in the custody of the liquidator which the liquidator refuses to produce for his inspection, such contributory or creditor may apply to the Court for leave to inspect such document, which order the Court may grant on any terms and conditions the Court may think fit.

Form of
petition for
winding-up a
company by
the Court.
N.S.W. r. 46.

“39. Every petition for the winding-up of a company by the Court shall be in Form No. 20 or Form No. 21.

Form of
petition under
section 186.
N.S.W. r. 47.

“40. Every petition under section 186 of the Ordinance shall be in Form No. 22.

Verification of
petition for
winding-up a
company by
the Court and
under section
186.
N.S.W. r. 48.

“41.—(1.) Every petition for the winding-up of a company and under section 186 of the Ordinance shall be verified by an affidavit written on the petition in Form No. 23 or Form No. 24.

“(2.) Such affidavit shall be made by the petitioner or by one of the petitioners, if more than one, or where the petition is presented by a corporation by some director, secretary or other principal officer thereof.

“(3.) Unless the Court otherwise orders such affidavit shall be sworn within seven days before the petition is presented.

Advertisement
of petition
for winding-up
of a company
by the Court
and under
section 186.
N.S.W. r. 49.

“42.—(1.) Every petition shall be advertised once in a prescribed newspaper not earlier than three days after the petition has been served on the company and not later than seven days before the hearing of the petition provided that, on application by the petitioner or any person interested, the Court may authorise or direct that the petition not be advertised or may give special directions with regard to the advertisement thereof.

“(2.) The advertisements shall state the day on which the petition was presented and the time date and place appointed for the hearing thereof, and the name and address of the petitioner and of his solicitor and shall contain a note at the foot thereof stating that any person who intends to appear on the hearing of the petition must send notice of his intention to the petitioner or to his solicitor within the time and in the manner hereinbefore prescribed by Rule 22.

“(3.) The advertisement of a petition for winding-up a company by the Court shall be in Form No. 25. The advertisement of a petition under section 186 of the Ordinance shall be in Form No. 26.

“43.—(1.) At any time after the presentation of a petition the Court may upon the application of the petitioner or any creditor or contributory or of the company and upon proof of sufficient ground for the appointment of a provisional liquidator make the appointment upon such terms as the Court shall think just or necessary.

Appointment of provisional liquidator in a winding-up by the Court. N.S.W. r. 50.

“(2.) An order appointing a provisional liquidator shall be in Form No. 27 or Form No. 28 and unless the Court otherwise orders shall contain at the foot thereof a notice stating that it will be the duty of such of the persons who are liable to make out or concur in making out the company’s statement of affairs as the provisional liquidator may require to attend on the provisional liquidator at such time and place as he may appoint and give him all information he may require.

“(3.) Upon the making of an order for the appointment of a provisional liquidator, it shall be the duty of the party obtaining the order to:—

- (a) File forthwith with the Registrar of Companies a notice of the making thereof and cause such notice to be advertised once in a prescribed newspaper. The notice shall be in Form No. 29 and the advertisement shall be in Form No. 30.
- (b) Leave at the Registrar’s Office a copy of the Judge’s notes of the order and a draft order for settlement by the Registrar together with a request in writing by the petitioner or his solicitor for its settlement. Such request may be endorsed on the draft order. Upon settlement if the party having the carriage thereof attend thereon and in any case upon receipt of a notice from the Registrar’s Office that the order has been signed or settled, as the case may be, it shall be the duty of the party obtaining the order to attend at the Registrar’s Office and pay the appropriate Court fees and to procure two office copies of the order, one of which shall be filed with the Registrar of Companies and one delivered to the provisional liquidator.

“(4.) Subject to the Ordinance and to any order of the Court the provisional liquidator shall be entitled to be paid out of the property of the company all the costs charges and expenses properly incurred by him as provisional liquidator and such salary or remuneration by way of percentage or on a time basis or otherwise as may be authorised by the order appointing him or any subsequent order. The provisional liquidator shall have a charge upon the company’s assets until the same has been paid.

“(5.) All the Rules relating to liquidators in a winding-up by the Court shall, so far as the same are applicable and subject to the direction of the Court, apply to provisional liquidators.

“44.—(1.) Where a liquidator is appointed by the Court in a winding-up by the Court the provisional liquidator shall account to the liquidator.

Accounting by provisional liquidator in a winding-up by the Court. N.S.W. r. 51.

“(2.) If the liquidator is dissatisfied with the account or any part thereof he may refer the matter to the Registrar who shall take such action (if any) thereon as he may deem expedient.

“45.—(1.) When a petitioner is not entitled to present a petition, or whether so entitled or not, where he (a) fails to advertise his petition within the time by the Rules prescribed or such extended time as the Court may allow, or (b) consents to withdraw his petition, or to allow it to be dismissed, or fails to appear in support of his petition when it is called on in Court on the day fixed for the hearing thereof, or any day to which the hearing has been adjourned, or (c) if appearing, does not apply for an order in the terms of the prayers of his petition, the Court may, at any time and upon such terms as it may think just, substitute as petitioner any person who, in the opinion of the Court, would have a right to present the petition and who is desirous of prosecuting the petition.

Substitution of creditor or contributory for petitioner in a winding-up by the Court. N.S.W. r. 52.

“(2.) Where an order has been made by the Court substituting a person as petitioner, the petitioner shall give reasonable assistance to the substituted petitioner and shall comply with such orders or directions as the Court may make or give to enable the petition to be prosecuted and the Court may make orders as to the petitioner’s costs of compliance with such orders or directions.

“(3.) An order under this Rule shall be in Form No. 31 with such variations as the circumstances may require.

Notice that winding-up order has been made to be given to the Registrar of Companies in a winding-up by the Court.
N.S.W. r. 53.

“46. The petitioner shall within seven days after the making of an order for the winding-up of a company lodge with the Registrar a notice informing him of the making of the order and its date and of the name and address of the liquidator. The notice shall be in Form No. 32.

Service of order in a winding-up by the Court.
N.S.W. r. 54.

“47. 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 of Companies;
- (b) cause an office copy of the order to be served upon the secretary or manager of the company or upon such other person as the Court may direct; and
- (c) deliver an office copy of the order to the liquidator with a statement in writing that the requirements of sub-section (2.) of section 230 of the Ordinance have been complied with.

Notice to liquidator of his appointment in a winding-up by the Court.

“48. The Registrar shall give notice verbally or in writing to a liquidator or provisional liquidator of his appointment by the Court within two days after such appointment has been made.

Settlement of orders.
N.S.W. r. 56.

“49.—(1.) It shall be the duty of the petitioner not later than seven days after an order for the winding-up of a company has been made to leave at the Registrar’s Office a copy of the Judge’s notes of the order and a draft order for settlement by the Registrar together with a request in writing by the petitioner or his solicitor for its settlement. Such request may be endorsed on the draft order.

“(2.) It shall not be necessary to take out an appointment to settle the order unless in any particular case the circumstances in the opinion of the Registrar make an appointment necessary (in which case he shall direct what parties are to be served with notice of the appointment). The order shall be settled without any attendance by the parties where no appointment is necessary.

“(3.) Immediately after the order has been settled as aforesaid the Registrar shall cause written notice thereof to be sent to the petitioner or his solicitor together with a note of the appropriate Court fees to be paid. It shall then be the duty of the petitioner or his solicitor to attend forthwith at the Registrar’s Office and to pay such fees and to order an engrossment and at least one Office copy of the order.

“(4.) Save as aforesaid every order made by the Court shall be settled by the Registrar in accordance with these Rules unless in any proceeding the Court directs that no order need be drawn up.

Advertisement of winding-up order and appointment of liquidator in a winding-up by the Court.
N.S.W. r. 57.

“50. When an order for the winding-up of a company by the Court has been made and a liquidator appointed by the Court, the order and the appointment shall be advertised by the liquidator once in the *Gazette* and once in a prescribed newspaper within seven days after his appointment. The advertisement shall be in Form No. 33.

“ 51. The order for the winding-up of a company shall be in Form No. 34 with such variations as the circumstances may require.

Contents of winding-up order in a winding-up by the Court.
N.S.W. r. 58.

“ 52. For the purposes of section 299 of the Ordinance a notice that (1) a winding-up petition has been presented, or (2) a winding-up order has been made, or (3) a provisional liquidator has been appointed, or (4) a meeting has been called at which there is to be proposed a resolution for the voluntary winding-up of the company, or (5) a resolution has been passed for the voluntary winding-up of the company, shall be in writing and shall be addressed where the execution is in respect of a judgment of the Supreme Court to the Sheriff and in any other case to the officer charged with the execution, and may be served by being delivered by hand or by registered post in the case of a notice to the Sheriff at his office and in any other case at the office of the officer charged with the execution.

Notice to Sheriff.
N.S.W. r. 59.

“ 53.—(1.) An application by a liquidator for the appointment of a special manager shall be supported by a report of the liquidator which shall be filed and such report shall state the powers which in the liquidator's opinion shall be entrusted to the special manager and either (a) state the amount of remuneration which in the opinion of the liquidator ought to be allowed to the special manager or (b) that it is in the opinion of the liquidator desirable that the fixing of such remuneration should be deferred. No affidavit by the liquidator in support of the application shall be required.

Appointment of special manager.
N.S.W. r. 61.

“ (2.) The remuneration of a special manager shall unless the Court or the Registrar otherwise directs be stated in the order appointing him but the Court or the Registrar may at any subsequent time make an order increasing reducing or otherwise altering the remuneration of the special manager.

“ 54.—(1.) Every special manager shall account to the liquidator and the special manager's accounts shall be verified by affidavit and when approved by the liquidator the totals of the receipts and payments shall be included by the liquidator in his accounts. The affidavit shall be in Form No. 35.

Accounting by special manager.
N.S.W. r. 62.

“ (2.) If the liquidator is dissatisfied with the account or any part thereof he may refer the matter to the Registrar who shall take such action (if any) thereon as he shall deem expedient.

“ 55. In the case of a special manager, the following provisions as to security shall have effect, namely:—

Security by special manager.
N.S.W. r. 63.

- (1) The security shall be given to the satisfaction of the Court or the Registrar.
- (2) It shall not be necessary that security be given in each separate winding-up; but security may be given either specially in a particular winding-up, or generally, to be available for any winding-up in which the person giving security may be appointed special manager.
- (3) The Registrar shall fix the amounts and nature of such security and may from time to time as he thinks fit either increase or diminish the amount of special or general security which any person has given and the special manager shall give additional security or reduce the amount of the security as the case may be within such time as the Registrar prescribes.
- (4) Where the security required to be given is a bond with the guarantee of an approved company it shall be in Form No. 36.
- (5) The certificate of the Registrar that a special manager has given security to his satisfaction shall be filed. This certificate shall be in Form No. 37.

- (6) The cost of furnishing the required security by a special manager including any premium which he may pay therefor unless the Court or the Registrar otherwise directs shall be borne by him personally and shall not be charged against the assets of the company as an expense incurred in the winding-up.
- (7) The Court or the Registrar may order that it shall not be necessary in a particular winding-up for a special manager to give security.

Failure to give
or keep up
security.
N.S.W. r. 64.

“56.—(1.) If a special manager fails to give the required security or additional security within the time stated for that purpose in any order the liquidator shall report such failure to the Court or the Registrar and the Court or the Registrar may thereupon rescind the order appointing the special manager.

“(2.) If a special manager fails to keep up his security the liquidator shall report such failure to the Court or the Registrar and the Court or the Registrar may thereupon remove the special manager and make such order as to costs as it or he thinks fit.

“(3.) The Court or the Registrar may, on application made *ex parte* and on being satisfied that the condition of any bond given as security has been broken, order the bond to be assigned to some person to be named in the order and that person his executors or administrators shall thereupon be entitled to sue upon the bond in his or their own name or names as if the bond had been originally given to such person and shall be entitled to recover thereon as trustee or trustees for all persons interested in the full amount recoverable in respect of any breach of the condition of the bond.

Preparation of
statement of
affairs.
N.S.W. r. 65.

“57.—(1.) A person who under the Ordinance is required to submit and verify a statement of affairs of a company shall be furnished by the liquidator with such forms and instructions (if any) as the liquidator in his discretion shall consider necessary. The original of the statement of affairs shall be retained by the liquidator.

“(2.) In a winding-up by the Court the liquidator shall within seven days after receipt of the statement of affairs cause a copy thereof to be filed in the Registrar's Office.

“(3.) The liquidator may from time to time hold personal interviews with any such person as is mentioned in paragraph (a), (b) or (c) of sub-section (2.) of section 234 of the Ordinance for the purpose of investigating the company's affairs, and it shall be the duty of every such person to attend on the liquidator and give him all information that he may require.

Extension of
time for
submitting
statement of
affairs.
N.S.W. r. 66.

“58. When any person requires any extension of time for submitting the statement of affairs he may apply to the liquidator who may for special reasons give a written certificate extending the time. The certificate shall be filed in the Registrar's Office. A copy of such certificate shall be lodged by the liquidator with the Registrar of Companies.

Information
subsequent to
statement of
affairs.
N.S.W. r. 67.

“59. After the statement of affairs of a company has been submitted to the liquidator, it shall be the duty of each person who has made or concurred in making it if and when required to attend on the liquidator and answer all such questions as may be put to him, and give all such further information as may be required of him by the liquidator in relation to the statement of affairs.

Default.
N.S.W. r. 68.

“60. If any person fails to comply with the requirements of section 234 of the Ordinance the liquidator may report the matter to the Court or the Registrar by issuing and prosecuting a summons in Form No. 38 or the liquidator may notify the Registrar of Companies of such failure.

“ 61. A person who is required to make or concur in making any statement of affairs of a company shall before incurring any costs or expenses in and about the preparation and making of the statement apply to the liquidator for his approval and submit a statement of the estimated costs and expenses which it is intended to incur: and except by order of the Court or the Registrar no person shall be allowed out of the assets of the company any costs or expenses which have not before being incurred been approved by the liquidator.

Expenses of statement of affairs.
N.S.W. r. 69.

“ 62.—(1.) The liquidator shall also as soon as practicable after the statement of affairs has been submitted to him send to each creditor mentioned therein and to each person appearing from the company’s books or otherwise to be a creditor or contributory of the company, a summary of the company’s statement of affairs including, if possible, an estimate by the liquidator of the funds which may be available for distribution to the creditors and any observations which the liquidator may think fit to make.

Summary of statement of affairs.
N.S.W. r. 70.

“ (2.) Where, prior to a winding-up order, the company has commenced to be wound-up voluntarily, the liquidator appointed under such order may, if in his absolute discretion he sees fit so to do, send the persons aforesaid, or any of them, an account of such voluntary winding-up showing how such winding-up has been conducted and how the property of the company has been disposed of, and any observations which the liquidator may think fit to make on the voluntary winding-up.

“ 63. Where the Rules provide that a matter may be referred or reported to the Court or the Registrar, the person seeking so to refer or report a matter shall do so by filing a report in the Registrar’s Office in Form No. 39.

Reports.
N.S.W. r. 71.

“ 64.—(1.) A report made by the liquidator in a winding-up by the Court pursuant to section 235 shall state in narrative form the facts and matters which the liquidator is required or desires to bring to the notice of the Court or the Registrar and his opinion as required by the said section.

Liquidator’s reports in a winding-up by the Court.
N.S.W. r. 72.

“ (2.) Reports made by the liquidator in a winding-up by the Court shall be made by the same being filed in the Registrar’s Office.

“ (3.) Subject to the Ordinance reports made by the liquidator under the Ordinance shall not be open to the inspection of any person except the liquidator his counsel solicitor the Registrar of Companies or any duly authorised officer of the Registrar of Companies unless the Court or the Registrar shall so direct.

“ 65.—(1.) If meetings of creditors and contributories are held pursuant to section 241 of the Ordinance the liquidator shall report the result thereof to the Registrar. The report shall be in Form No. 40.

Appointment of Committee of Inspection in a winding-up by the Court.
N.S.W. r. 74.

“ (2.) Upon the result of the meetings of creditors and contributories being reported to the Registrar if there is a difference between the determinations of the meetings of the creditors and contributories, the Registrar shall, on the application of the liquidator, fix a time and place for considering the resolutions and determinations (if any) of the meetings, deciding differences, and making such orders as shall be necessary.

“ (3.) When a time and place have been fixed for the consideration of the resolutions and determinations of the meetings, such time and place shall be advertised by the liquidator in such manner as the Registrar shall direct, but so that the first or only advertisement shall be published not less than seven days before the time so fixed.

“ (4.) Upon the consideration of the resolutions and determinations of the meetings the Registrar may hear the liquidator and any creditor or contributory.

Summoning of
meetings of
Committee.
N.S.W. r. 75.

“66.—(1.) Where the liquidator or any member of the committee calls a meeting of the committee he shall do so by delivering or sending by prepaid post a notice in writing to every member of the committee. The time of notice to be given shall be not less than five days unless the circumstances are such that in the liquidator's opinion shorter notice is necessary.

“(2.) Notwithstanding the provisions of sub-rule (1.) of this Rule if all the members of the committee so agree a meeting of the committee may be held of which no notice in writing or less than five days' notice in writing has been given.

Costs of
calling
meetings.
N.S.W. r. 76.

“67. The costs of summoning a meeting of the committee at the instance of any person other than the liquidator shall be paid by the person at whose instance it is summoned. The said costs shall be repaid out of the assets of the company if the Court or the Registrar shall by order or if the committee shall by resolution so direct.

Chairman of
meeting.
N.S.W. r. 77.

“68. Where a meeting is summoned by the liquidator, he or someone nominated by him shall be chairman of the meeting. At every other meeting of the committee the chairman shall be such person as the meeting by resolution shall appoint.

Copy of
resolution to
be filed in a
winding-up
by the Court.
N.S.W. r. 78.

“69. The liquidator in a winding-up by the Court shall file in the Registrar's Office a copy certified by him of every resolution of a meeting of the committee. The certificate shall be in Form No. 41.

Non-receipt of
notice by a
member of the
Committee.
N.S.W. r. 79.

“70. Where a meeting of the committee is summoned by notice in writing the proceedings and resolutions at the meeting shall, unless the Court or the Registrar otherwise orders, be valid, notwithstanding that some members of the committee may not have received the notice sent to them.

Adjournments.
N.S.W. r. 80.

“71. The chairman may, with the consent of the meeting, adjourn it from time to time and from place to place, but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the Court or the Registrar otherwise orders.

Minutes of
meetings.
N.S.W. r. 81.

“72. The chairman shall cause minutes of the proceedings at every meeting of the committee to be drawn up and fairly entered in the book or file referred to in Rule 176, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

Remuneration
of liquidator
in winding-up
by the Court.
N.S.W. r. 82.

“73. A liquidator in a winding-up by the Court shall be entitled to such salary or remuneration by way of percentage or on a time basis or otherwise as is determined under the Ordinance.

Limit of
remuneration.
N.S.W. r. 83.

“74. Except as provided by the Ordinance or the Rules, a liquidator or a firm or member of a firm of which the liquidator is a member shall not under any circumstances whatever make any arrangement for or accept from any person any gift remuneration or pecuniary or other consideration or benefit whatever beyond the remuneration to which, under the Ordinance and the Rules, he is entitled as liquidator nor shall he make any arrangement for giving up or give up any part of such remuneration to any person.

Dealing with
assets.
N.S.W. r. 84.

“75. Neither the liquidator nor any member of the committee of inspection of a company shall while acting as liquidator or member of such committee except by leave of the Court or the Registrar either directly or indirectly by himself or any employee partner clerk agent or servant become purchaser of any part

of the company's assets. Any such purchase made contrary to the provisions of this Rule may be set aside by the Court or the Registrar on the application of any creditor or contributory in any winding-up and the Court or the Registrar may make such order as to costs as the Court or the Registrar shall think fit.

"76. Where the liquidator carries on the business of the company he shall not without the express sanction of the Court or the Registrar purchase goods for the carrying on of such business from any person whose connection with him is of such a nature as would result in the liquidator's obtaining any portion of the profit (if any) arising out of the transaction.

Restriction on purchase of goods by liquidator.
N.S.W. r. 85.

"77. In any case in which the sanction of the Court or the Registrar is obtained under Rule 75 or Rule 76 the costs of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained and shall not be payable out of the company's assets unless the Court or the Registrar otherwise orders.

Costs of obtaining sanction of Court.
N.S.W. r. 86.

"78. Where the sanction of the Court or the Registrar to a payment to a member of a committee of inspection for services rendered by him in connection with the administration of the company's assets is obtained the order shall specify the nature of the services and such sanction shall only be given where the service performed is of special nature. Except by the express sanction of the Court or the Registrar no remuneration shall under any circumstances be paid to a member of a committee for services rendered by him in the discharge of the duties attaching to his office as a member of such committee.

Sanction of payments to committee of inspection.
N.S.W. r. 87.

"79.—(1.) Where a liquidator in a winding-up by the Court is appointed by the Court and has given notice of his appointment to the Registrar of Companies and given security (if any) the provisional liquidator (if any) shall forthwith put the liquidator into possession of all property of the company of which he may have custody.

Discharge of costs before assets handed to liquidator in a winding-up by the Court.
N.S.W. r. 88.

"(2.) It shall be the duty of a provisional liquidator if so requested by the liquidator to communicate to the liquidator all such information respecting the estate and affairs of the company as may be necessary or conducive to the due discharge of the duties of the liquidator.

"80.—(1.) A liquidator in a winding-up by the Court or in a creditors' voluntary winding-up who desires to resign his office shall summon separate meetings of the creditors and contributories of the company to decide whether or not the resignation shall be accepted. If the creditors and contributories by ordinary resolution both agree to accept the resignation of the liquidator he shall within fourteen days after such acceptance lodge with the Registrar of Companies notice thereof and in a winding-up by the Court shall file a copy thereof in the Registrar's Office, and the resignation shall thereupon take effect. The notice shall be in Form No. 42.

Resignation of liquidator.
N.S.W. r. 89.

"(2.) A liquidator in a members' voluntary winding-up who desires to resign his office shall summon a meeting of the contributories of the company to decide whether or not the resignation shall be accepted. If the contributories by ordinary resolution agree to accept the resignation of the liquidator he shall within fourteen days after such acceptance lodge with the Registrar of Companies notice thereof and the resignation shall thereupon take effect. The notice shall be in Form No. 42.

"(3.) If his resignation is not accepted as aforesaid the liquidator shall report to the Court the result of the meeting or meetings as the case may be, and thereupon the Court may, upon the application of the liquidator, determine whether or not the resignation of the liquidator shall be accepted, and may give such directions and make such orders as in its opinion shall be necessary or expedient.

“(4.) In a winding-up by the Court an application for release by a liquidator who has resigned shall be made in accordance with the provisions of Rule 196.

“(5.) Upon the resignation of a liquidator in a winding-up by the Court another liquidator shall be appointed by the Court in his place upon a summons which shall be taken out by the resigning liquidator or may be taken out by any creditor or contributory of the company who has not less than four days before the return day of the summons, published in a prescribed newspaper notice of his intention so to apply.

“(6.) A liquidator who resigns shall within the time limited by section 281 of the Act lodge in triplicate with the Registrar of Companies in the prescribed form and verified by statutory declaration an account of his receipts and payments and a statement of the position in the winding-up and in a winding-up by the Court shall also file a copy of the said verified account and statement in the Registrar’s Office.

Office of
liquidator
vacated by his
insolvency.
N.S.W. r. 90.

“81.—(1.) If a sequestration order in bankruptcy is made against a liquidator, or if he enters into a composition or arrangements with his creditors or executes a deed of arrangement or assignment under Part X. of the *Bankruptcy Act* 1966, or under any enactment or enactments amending re-enacting consolidating or replacing such Parts respectively:

- (a) he shall thereby vacate his office and for the purposes of the application of the Ordinance and Rules shall be deemed to have been removed; and
- (b) another liquidator shall be appointed by the Court in his place upon a summons taken out by the person deemed to have been removed as liquidator as aforesaid or by any creditor or contributory of the company who has not less than four days before the return day of the summons, published in a prescribed newspaper notice of his intention so to apply.

“(2.) A liquidator who has vacated his office and deemed to have been removed as aforesaid shall within the time limited by section 281 of the Ordinance lodge in triplicate with the Registrar of Companies in the prescribed form and verified by statutory declaration an account of his receipts and payments and a statement of the position in the winding-up and in a winding-up by the Court shall also file a copy of the said verified account and statement in the Registrar’s Office.

Death of
liquidator.
N.S.W. r. 91.

“82. In the case of the death of a liquidator another shall be appointed by the Court in his place whether upon a summons taken out by another creditor or contributory of the company or otherwise.

Application of
Rules as to
meetings of
creditors and
contributories.
N.S.W. r. 92.

“83.—(1.) Except where and so far as the nature of the subject-matter or the context may otherwise require, the Rules as to meetings hereinafter set out shall apply to meetings of creditors and contributories including meetings directed to be held by the Court under section 289 of the Ordinance, but so nevertheless that the said Rules shall take effect subject to any directions of the Court or the Registrar.

“(2.) The liquidator may himself from time to time summon, hold and conduct meetings of the creditors or contributories for the purpose of ascertaining their wishes in any matter relating to the winding-up.

Summoning
meeting.
N.S.W. r. 93.

“84.—(1.) The person summoning a meeting of creditors or contributories shall not less than seven days before the day appointed for the meeting send by post in the case of a meeting of creditors to every person appearing by the company’s books or otherwise to be a creditor of the company notice of the meeting of creditors, and in the case of a meeting of contributories to every person appearing by the company’s books or otherwise to be a contributory of the company notice

of the meeting of contributories. The notice shall be in Form No. 43. The person summoning the meeting shall also cause notice of the meeting to be advertised once in a prescribed newspaper not less than seven days before the day appointed for the meeting and such notice shall be in Form No. 44.

“(2.) Where a meeting of creditors is summoned by a liquidator, the liquidator shall send to each creditor whose debt or claim has not been admitted by him, with the notice of the meeting, a notice informing the creditor that his debt or claim has not been admitted and, if the liquidator considers it appropriate to do so, also containing particulars of the steps that it is necessary for the creditor to take in order that his debt or claim may be considered by the liquidator before the date of the meeting.

“85. The person summoning a meeting of creditors or contributories may also give each of the directors and other officers of the company who in his opinion ought to attend the meeting not less than seven days' notice of the time and place appointed for the meeting. The notice may either be delivered personally or sent by prepaid post. The notice shall be in Form No. 45. It shall be the duty of every director or officer who receives notice of such meeting to attend if so required by the person summoning the meeting, who, if any such director or officer fails to attend, shall report such failure to the Court.

Notice of meetings to officers of a company.
N.S.W. r. 94.

“86. An affidavit by the person summoning a meeting or his clerk or his solicitor or the clerk of his solicitor that the notice of meeting has been duly posted shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed. The affidavit shall be in Form No. 46.

Proof of notice.
N.S.W. r. 95.

“87. Every meeting shall be held at such place as in the opinion of the person convening the same is most convenient for the majority of the creditors or contributories or both. Different times or places or both may if thought expedient be named for the meetings of creditors and for the meetings of contributories.

Place of meetings.
N.S.W. r. 96.

“88. The costs of summoning a meeting of creditors or contributories at the instance of any person other than the liquidator shall be paid by the person at whose instance it is summoned, who shall, before the meeting is summoned, deposit with the liquidator such sum as may be required by the liquidator as security for the payment of such costs.

Costs of calling meeting.
N.S.W. r. 97.

“89. Where a meeting is summoned by the liquidator he or someone authorised by him shall be chairman of the meeting. At every other meeting of creditors or contributories the chairman shall be such person as the meeting by resolution shall appoint.

Chairman of meeting.
N.S.W. r. 98.

“90.—(1.) At a meeting of creditors a resolution shall be deemed to be passed when a majority in number and value of the creditors present personally or by proxy and voting on the resolution have voted in favour of the resolution, and at a meeting of the contributories a resolution shall be deemed to be passed when a majority of the votes cast by the contributories present personally or by proxy and voting on the resolution are in favour of the resolution, the voting power of the contributories being determined according to the regulations of the company.

Ordinary resolution of creditors and contributories.
N.S.W. r. 99.

“(2.) When at a meeting of the contributories the number of votes cast in favour of the resolution is equal to those cast against it, the Judge or where the Registrar has jurisdiction the Registrar shall have a casting vote, which he shall exercise if requested so to do by any party interested, and for the purpose of enabling him to determine how he should cast such vote the Judge or the Registrar shall be at liberty to hear such parties, take such evidence and make such inquiries as he may think proper.

Copy of resolution to be filed in a winding-up by the Court.
N.S.W. r. 100.

"91. The liquidator in a winding-up by the Court shall file in the Registrar's Office a copy certified by him of every resolution of a meeting of creditors or contributories. The certificate shall be in the Form No. 41.

Non-receipt of notice by a creditor.
N.S.W. r. 101.

"92. Where a meeting of creditors or contributories is summoned by notice in writing the proceedings and resolutions at the meeting shall unless the Court or the Registrar otherwise orders be valid notwithstanding that some creditors or contributories may not have received the notice sent to them.

Adjournments.
N.S.W. r. 102.

"93. The chairman may with the consent of the meeting adjourn it from time to time and from place to place but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the liquidator or the Court or the Registrar otherwise determines.

Quorum.
N.S.W. r. 103.

"94.—(1.) A meeting may not act for any purpose except the election of a chairman, the proving of debts, and the adjournment of the meeting, unless there are present or represented thereat at least three creditors entitled to vote or two contributories or all the creditors entitled to vote or all the contributories if the number of creditors entitled to vote or the contributories as the case may be shall not exceed three.

"(2.) A meeting shall be sufficiently constituted if one person only is present thereat whether or not such person is a creditor or contributory or the liquidator or the chairman of the meeting or any other person provided that such person represents personally or by proxy or otherwise a number of persons otherwise sufficient to constitute a quorum.

"(3.) If within half an hour from the time appointed for the meeting a quorum of creditors or contributories is not present or represented, the meeting shall be adjourned to the same day in the following week, at the same time and place, or to such other day or time or place as the chairman may appoint, but so that the day appointed shall be not less than seven or more than twenty-one days from the day from which the meeting was adjourned.

Creditors entitled to vote.
N.S.W. r. 104.

"95. A person shall not be entitled to vote as a creditor at a meeting of creditors unless (a) he has duly lodged with the liquidator a proof of the debt which he claims to be due to him from the company and such proof has been admitted wholly or in part before the date on which the meeting is held; or (b) his debt or claim has been otherwise admitted by the liquidator.

Cases in which creditors may not vote.
N.S.W. r. 105.

"96. A creditor shall not vote in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the company, and against whom a sequestration order in bankruptcy has not been made, as a security in his hands, and to estimate the value thereof, and (for the purposes of voting, but not for the purposes of dividend), to deduct it from his proof.

Votes of secured creditors.
N.S.W. r. 106.

"97. For the purpose of voting a secured creditor shall unless he surrenders his security state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the Court or the Registrar on application is satisfied that the omission to value the security has arisen from inadvertence.

"98. The liquidator may, within twenty-eight days after a proof estimating the value of a security as aforesaid has been used in voting at a meeting, require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated: Provided that where a creditor has valued his security he may with the leave of the liquidator at any time before being required to give it up correct the valuation by a new proof and deduct the new value from his debt.

Creditors required to give up security.
N.S.W. r. 107.

"99. The liquidator shall have power to admit or reject a proof for the purpose of voting but his decision shall be subject to appeal to the Court or the Registrar. If he is in doubt whether a proof shall be admitted or rejected he shall mark it as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Admission and rejection of proofs for purposes of voting.
N.S.W. r. 108.

"100.—(1.) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in the book or file referred to in Rule 176, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

Minutes of meeting.
N.S.W. r. 109.

"(2.) A list of creditors and contributories present at every meeting shall be made and kept as in Form No. 47.

"101. Subject to the Ordinance a creditor or a contributory may vote either in person or by proxy. Where a person is authorised in manner provided by sub-section (3.) of section 140 of the Ordinance to represent a corporation at any meeting of creditors or contributories such person if requested by the chairman of the meeting shall produce to him a copy of the resolution so authorising him. Such copy must be either under the seal of the corporation or must be certified to be a true copy by the secretary or a director of the corporation.

Proxies.
N.S.W. r. 110.

"102. Every proxy shall be in Form No. 48.

Form of proxies.
N.S.W. r. 111.

"103. Forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the liquidator or any other person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

Forms of proxy to be sent with notices.
N.S.W. r. 112.

"104. A creditor or a contributory may appoint the liquidator or the chairman of the meeting or any other person to act as his proxy.

Appointment of proxy.
N.S.W. r. 113.

"105. Where it appears to the satisfaction of the Court or the Registrar that any solicitation has been used by or on behalf of a liquidator in obtaining proxies or in procuring his appointment as liquidator except by the direction of a meeting of creditors or contributories, the Court or the Registrar if it or he thinks fit may order that no remuneration be allowed to the person by whom or on whose behalf the solicitation was exercised or that the remuneration be reduced as the Court or the Registrar thinks fit notwithstanding any resolution of the committee of inspection of the creditors or contributories to the contrary.

Solicitation by liquidator to obtain proxies.
N.S.W. r. 114.

"106. No person acting under a proxy shall vote in favour of any resolution which would directly or indirectly place himself his partner or employer in a position to receive any remuneration out of the estate of the company otherwise than as a creditor rateably with the other creditors of the company.

Holder of proxy not to vote on matter in which he is financially interested.
N.S.W. r. 115.

"107.—(1.) A proxy intended to be used at a meeting of creditors or contributories, or an adjournment thereof, shall be lodged with the person named in the notice convening the meeting to receive the same not later than four o'clock of the day before the meeting or adjourned meeting, or not later than such other time of the said day or any other day as the liquidator, the Court or the Registrar may direct.

Time for lodging proxies and ineligibility of minors to hold.
N.S.W. r. 116.

“(2.) No person shall be appointed a proxy who is a minor.

Use of
proxies by
deputy.
N.S.W. r. 117.

“108. Where a liquidator who holds any proxies cannot attend the meeting for which they are given, he may, in writing, authorise some person to use the proxies on his behalf.

Filling in
where creditor
or contributory
blind or
incapable.
N.S.W. r. 118.

“109. The proxy of a creditor or contributory blind or incapable of writing may be accepted, if such creditor or contributory has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and address: Provided that all insertions in the proxy are in the handwriting of the witness, and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at the request and in the presence of the creditor or contributory before he attached his signature or mark.

Procedure
consequent
on order for
public
examination.
N.S.W. r. 119.

“110.—(1.) The Judge may make an order under section 250 of the Ordinance directing any person or persons to attend for public examination. The order shall be in Form No. 49.

“(2.) The examination shall be held before the Judge provided that the Judge may direct that the whole or any part of the examination of such person or persons be held before the Registrar.

“(3.) Where the examination is held before the Registrar, the Registrar may if he thinks fit adjourn the examination of any person or any part of the examination to be held before the Judge.

“(4.) The Judge may give directions at any time as to the special matters on which any such person is to be examined.

Notice of
time and place
for public
examination.
N.S.W. r. 120.

“111. Notice of the day, time and place appointed for holding the public examination shall be given by the liquidator to the person who is to be examined by serving such notice personally on such person. The notice shall be in Form No. 50.

Notice of
public
examination
to creditors
and
contributories.
N.S.W. r. 121.

“112.—(1.) The liquidator shall give notice of the day, time and place appointed for holding a public examination to the creditors and contributories by advertisement once in the *Gazette* and once in a prescribed newspaper unless the Court otherwise orders. The notice shall be in Form No. 51.

“(2.) Where an adjournment of the public examination has been directed notice of the adjournment shall not unless otherwise directed by the Court be advertised in any newspaper but it shall be sufficient to publish in the *Gazette* a notice of the time and place fixed for the adjourned examination.

Notes of
public
examination
to be filed.
N.S.W. r. 122.

“113.—(1.) The notes of a public examination shall after being signed as required by sub-section (7.) of section 250 of the Ordinance be filed in the Registrar's Office.

“(2.) The notes of a public examination when filed may be inspected at all reasonable times by any creditor or contributory and by the person examined his counsel solicitor the Registrar of Companies or any duly authorized officer of the Registrar of Companies.

“(3.) The liquidator shall furnish a person who has been publicly examined or his solicitor if requested with copies of the notes or parts of notes of the public examination of such person at a reasonable cost.

Examinations
under section
249.
N.S.W. r. 123.

“114.—(1.) The liquidator or any creditor whose debt or claim has been admitted wholly or in part or any contributory may apply to the Judge or, where the Registrar has jurisdiction, to the Registrar, for an order that any person or persons be summoned before the Court for examination pursuant to section 249 of the Ordinance and, in a proper case, requiring such person or persons (and each of them) to produce all books and papers which he or they and each of

them respectively have in their custody or power relating to the company. In a winding-up by the Court the liquidator may apply *ex parte* by written statement of his reasons for such examination and not by affidavit. The written statement of reasons shall be in Form No. 52. In a voluntary winding-up the liquidator may apply to the Court *ex parte* by summons supported by affidavit showing the reasons for requiring such examination. The summons shall be in Form No. 53.

“(2.) Where the application is made by a creditor or contributory in a winding-up by the Court or in a voluntary winding-up:—

- (a) he must give not less than seven days’ notice in writing to the liquidator of his intention to make such application;
- (b) the application shall be by summons supported by affidavit;
- (c) a copy of the summons and of the affidavit in support shall be served on the liquidator;
- (d) the summons shall be in Form No. 53 and the affidavit shall be in Form No. 54.

“(3.) The Judge or, where the Registrar has jurisdiction, the Registrar may make an order directing that any person or persons be summoned before the Court for examination pursuant to section 249 of the Ordinance and may grant leave to an applicant to file and obtain the issue of a summons returnable before the Court or the Registrar directing any person or persons so ordered to be examined to attend for examination accordingly. An order made by the Judge shall be in Form No. 55. An order made by the Registrar shall be in Form No. 55 with appropriate variations.

“(4.) Where a summons issued pursuant to such an order is returnable before the Judge, he may direct that the whole or any part of the examination of such person or persons be held before the Registrar.

“(5.) Where a summons issued pursuant to such an order is returnable before the Registrar, the Registrar may if he thinks fit adjourn the examination of any person or any part of the examination to be held before the Judge.

“(6.) The Judge or the Registrar may give directions at any time as to any special matters on which any such person is to be examined.

“115.—(1.) Upon an order granting leave to issue a summons for examination under section 249 of the Act being made, the applicant shall, unless the Judge or, where the Registrar has jurisdiction, the Registrar shall otherwise direct, without further order prepare and file for issue a summons directing the person who is to be examined to attend for examination on the day, time and place appointed. The summons shall be in Form No. 56.

Summons for examination under s. 249. N.S.W. r. 124.

“(2.) A day, time and place shall be appointed by an officer of the Court for holding the examination, and the summons shall be issued. The summons bearing the seal of the Court shall be served personally on the person who is to be examined.

“116. Unless the Judge or, where the Registrar has jurisdiction, the Registrar otherwise orders the liquidator or any creditor who has duly lodged with the liquidator a proof of the debt which he claims to be due to him from the company and such proof has been admitted wholly or in part or any creditor whose debt or claim has been otherwise admitted by the liquidator or any contributor may attend in person or by counsel or solicitor any examination of a witness under section 249 of the Ordinance on whosever application the same has been ordered and put such questions to the persons examined as the Judge or, where the Registrar has jurisdiction, the Registrar may allow.

Examination of witness under s. 249. N.S.W. r. 125.

Depositions.
N.S.W. r. 126.

“117. Subject to the Act and unless the Judge or, where the Registrar has jurisdiction, the Registrar shall otherwise direct:—

- (a) an original and not more than four copies of the notes of the depositions of a person examined under section 249 of the Ordinance or under any order of the Court before the Judge or the Registrar (other than the notes of the depositions of a person examined at a public examination under section 250 of the Ordinance) shall be prepared;
- (b) after the original notes have been signed by the witness they shall be lodged forthwith in the Registrar's Office but shall not be filed or be open to the inspection of any creditor contributory or other person except the liquidator his counsel or solicitor;
- (c) after the original notes have been signed by the witness the copies thereof shall be handed to the liquidator;
- (d) the notes of the depositions shall not be made available or disclosed or allowed to be made available or disclosed to any person except the liquidator his counsel solicitor the Registrar of Companies or any duly authorized officer of the Registrar of Companies; and
- (e) the information contained in the notes of the depositions shall be used for the purposes only of the winding-up of the company or of any inquiry or investigation conducted by the Attorney-General, the Registrar of Companies or an Inspector into the affairs of the company being wound up.

Committal of
contumacious
witness.
N.S.W. r. 127.

“118. If a person examined under section 249 of the Ordinance before the Registrar fails or refuses to answer to the satisfaction of the Registrar any question which he may allow to be put the Registrar may in respect of such failure or refusal exercise any powers which a Judge might have exercised had the failure or refusal been made in an examination before a Judge, or the Registrar may report such refusal to the Judge and upon such report being made the person in default shall be in the same position and be dealt with in the same manner as if he had made default in answer before the Judge. The report shall be in Form No. 57.

Default in
attending
examination.
N.S.W. r. 128.

“119.—(1.) If any person who has been summoned to attend for examination under section 249 of the Ordinance fails or refuses to attend at the time and place appointed for holding or proceeding with the same or any adjournment thereof, and no lawful excuse is made known to the Judge or the Registrar at the time of his sitting and allowed by him, and upon it being proved that a reasonable sum for the expenses of such person has been tendered and that the summons was duly served, and that notice of the order and of the time and place appointed for attendance at the examination was duly served, the Judge or, where the examination is to be held before the Registrar, the Registrar may without any further notice issue a warrant for the arrest of the person required to attend, or make such other order as may be just. The warrant shall be in Form No. 58.

“(2.) If any person who has been summoned to attend for examination under section 250 of the Ordinance fails or refuses to attend at the time and place appointed for holding or proceeding with the same or any adjournment thereof, and no lawful excuse is made known to the Judge at the time of his sitting and allowed by him and, upon its being proved that a reasonable sum for the expenses of such person has been tendered and that notice of the order and of the time and place appointed for attendance at the examination was duly served, the Judge may without any further notice issue a warrant for the arrest of the person required to attend, or make such other order as may be just. The warrant shall be in Form No. 58.

“ 120. Any application to the Court for leave to disclaim any part of the property of a company pursuant to sub-section (1.) of section 296 of the Ordinance shall be by *ex parte* summons. Such summons shall be supported by an affidavit showing who are the parties interested and what their interests are. On the hearing of the summons the Court shall give such directions as it sees fit and in particular directions as to the notices to be given to the parties interested or any of them and the Court may adjourn the application to enable any such party to attend.

Disclaimer.
N.S.W. r. 130.

“ 121. Where the liquidator obtains leave to disclaim a leasehold interest he shall forthwith file the disclaimer in the Registrar's Office. The disclaimer shall contain particulars of the interest disclaimed and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is filed by the liquidator the disclaimer shall be inoperative. A disclaimer of lease shall be in Form No. 59 and the notice thereof in Form No. 60.

Filing the
disclaimer.
N.S.W. r. 131.

“ 122. Where any person claims to be interested in any part of the property of a company which the liquidator wishes to disclaim he shall at the request of the liquidator furnish a statement in writing of the interest so claimed by him.

Claimants to
property which
the liquidator
wishes to
disclaim.
N.S.W. r. 132.

“ 123.—(1.) Any application under sub-section (6.) of section 296 of the Ordinance for an order for the vesting of any disclaimed property in or the delivery of any such property to any person or persons shall be supported, where an application has been made to the Court for leave to disclaim such property, by the affidavit filed on such application, and in any other case by an affidavit showing who are the parties interested and what there interests are.

Vesting of
disclaimed
property.
N.S.W. r. 133.

“ (2.) Where such an application as aforesaid relates to disclaimed property of a leasehold nature and it appears that there is any mortgagee by demise, assignment or otherwise howsoever or any under-lessee of such property the Court may direct that notice shall be given to such mortgagee or under-lessee that if he does not elect to accept and apply for such a vesting order as aforesaid upon the terms required by the above-mentioned subsection and imposed by the Court within a time to be fixed by the Court and stated in the notice he will be excluded from all interest in and security upon the property and the Court may adjourn the application for such notice to be given and for such mortgagee or under-lessee to be added as a party to and served with the application and if he sees fit to make such election and application as are mentioned in the notice. If at the expiration of the time so fixed by the Court such mortgagee or under-lessee fails to make such election and application the Court may make an order vesting the property in the applicant and excluding such mortgagee or under-lessee from all interest in or security upon the property.

“ 124. If application is made to the Court to approve or sanction any compromise or arrangement the Court may before giving its approval or sanction thereto hear a report by the liquidator as to the terms of the scheme and as to the conduct of the directors and other officers of the company and as to any other matters which in the opinion of the liquidator ought to be brought to the attention of the Court. The report shall not be placed upon the file, unless and until the Court shall direct it to be filed.

Arrangements
with creditors
and contrib-
utories.
N.S.W. r. 134.

“ 125.—(1.) The duties imposed on the Court by section 244 of the Ordinance with regard to the collection of the assets of the company and the application of the assets in discharge of the company's liabilities, shall be discharged by the liquidator in a winding-up by the Court as an officer of the Court subject to the control of the Court.

Collection and
distribution of
company's
assets by the
liquidator in a
winding-up
by the Court.
N.S.W. r. 135.

“(2.) For the purpose of the discharge by the liquidator of the duties imposed by section 244 of the Ordinance and paragraph (1.) of this rule, the liquidator in a winding-up by the Court shall for the purpose of acquiring or retaining possession of the property of the company be in the same position as if he were a receiver of the property appointed by the Court, and the Court may on his application enforce such acquisition or retention accordingly.

Power of liquidator to require delivery of property in a winding-up by the Court.
N.S.W. r. 136.

“126. The powers conferred on the Court by sub-section (1.) of section 245 of the Ordinance shall be exercised by the liquidator or provisional liquidator in a winding-up by the Court. Any contributory, trustee, receiver, banker, agent or officer of the company shall on notice from the liquidator or provisional liquidator and within such time as he shall by notice in writing require, pay deliver convey surrender or transfer to or into the hands of the liquidator or provisional liquidator any money property books or papers which happen to be in his hands for the time being and to which the company is *prima facie* entitled. The notice shall be in Form No. 61.

When list of contributories must be settled.
N.S.W. r. 137.

“127.—(1.) It shall not be necessary for a list of contributories to be settled unless there is uncalled capital of the company or capital to be returned or distributed to contributories or it appears to the Court, the Registrar or the liquidator necessary for such a list to be settled.

“(2.) When it is not necessary for a list of contributories to be settled the liquidator in a winding-up by the Court shall as soon as possible after his appointment file a statement in the Registrar's Office showing the names and addresses of all contributories of the company, the number and class of shares held by them in the company and the amount paid up or credited as paid up thereon. Such statement shall be in Form No. 62.

“(3.) Rules 128 to 133 inclusive shall apply only where a list of contributories is to be settled.

Liquidator to settle list of contributories.
N.S.W. r. 138.

“128. The liquidator shall as soon as possible after his appointment make out a provisional list of contributories of the company. Such list shall contain a statement of the address of and the number of shares or extent of interest to be attributed to each contributory and the amount called up and the amount paid up in respect of such shares or interest and shall set forth the several classes of contributories, distinguishing between contributories as being representative of or liable for the debts of others. The provisional list of contributories shall be in Form No. 63. In a winding-up by the Court the liquidator shall file a copy of the provisional list of contributories in the Registrar's Office not later than seven days after it has been made out.

Appointment of time and place for settlement of list.
N.S.W. r. 139.

“129.—(1.) The liquidator shall appoint a time and place for settling the list of contributories and shall give not less than fourteen days' notice in writing of the time and place appointed to every person whom he proposes to include in the list as settled, and shall state in the notice to each person in what character and for what number of shares or interest he proposes to include such person in the list, and what amount has been called up and what amount paid up in respect of such share or interest. The notice shall be in Form No. 64.

“(2.) The liquidator in a winding-up by the Court shall as soon as possible after giving the said notices cause an affidavit of postage of the said notices to be filed. The affidavit shall be in Form No. 65.

Settlement of list of contributories.
N.S.W. r. 140.

“130. On the day appointed for settlement of the list of contributories the liquidator shall hear any person who objects to being included as a contributory, and after such hearing shall finally settle and certify the list which when so settled

and certified shall be the list of contributories of the company. The certificate of the liquidator shall be in Form No. 66. In a winding-up by the Court the liquidator shall file a copy of such certificate in the Registrar's Office not later than seven days after it has been settled and certified as aforesaid.

" 131. The liquidator may from time to time make out and settle a supplementary list varying or adding to the list of contributories but in doing so he shall, as far as circumstances permit, give the like notices and follow like procedure as in making out and settling the original list. The provisional supplementary list of contributories shall be in Form No. 67. The certificate of the liquidator of the settlement of any supplementary list of contributories shall be in Form No. 68. In a winding-up by the Court the liquidator shall file in the Registrar's Office a copy of such provisional supplementary list of contributories not later than seven days after it has been made out and a copy of such certificate not later than seven days after it has been settled and certified as aforesaid.

Supplementary list.
N.S.W. r. 141.

" 132.—(1.) Within fourteen days after the settlement of any list of contributories of the company or any supplementary list the liquidator shall give notice in writing to every person whom he has placed on such list or supplementary list, stating in what character and for what number of shares or interest he has been placed on the list or supplementary list, and what amount has been called up and what amount paid up in respect of such shares or interest, and in such notice he shall inform such person that any application for the removal of his name from the list or supplementary list, or for a variation of the list or supplementary list, must be made to the Court by summons supported by an affidavit stating the grounds of the objection and filed within twenty-one days from the date of the service of the notice on him. The notice shall be in Form No. 69.

Notice to contributories.
N.S.W. r. 142.

" (2.) The liquidator in a winding-up by the Court shall as soon as possible after giving the said notices cause an affidavit of postage of the said notices to be filed. The affidavit shall be in Form No. 70.

" 133.—(1.) Any person who objects to the list of contributories or to any supplementary list may apply to the Court by summons for a variation of the list or supplementary list supported by an affidavit stating the grounds of objection. An order to vary the list of contributories shall be in Form No. 71.

Application to the Court to vary the list.
N.S.W. r. 143.

" (2.) Subject to the power of the Court to extend the time or to allow an application to be made notwithstanding the expiration of the time limited for that purpose, no application to the Court by any person who objects to the list of contributories or to any supplementary list shall be entertained after the expiration of twenty-one days from the date of the service on such person of notice of the settlement of the list.

" (3.) The liquidator shall not in any case be personally liable to pay any costs of or in relation to an application to set aside or vary his act or decision settling the name of a person on the list of contributories or on any supplementary list.

" 134. In a winding-up by the Court the powers and duties of the Court in relation to making calls on contributories conferred by sub-section (3.) of section 245 of the Ordinance shall and may be exercised by the liquidator as an officer of the Court subject to the limitation in section 252 of the Ordinance and to Rule 135.

Calls by liquidator.
N.S.W. r. 144.

" 135.—(1.) Where the liquidator desires to make any call on the contributories or any of them for the purpose authorised by the Act, if there is a committee of inspection he shall summon a meeting of such committee for the purpose of obtaining their sanction to the intended call.

Committee of inspection to sanction calls.
N.S.W. r. 145.

“(2.) The notice of the meeting shall be sent to each member of the committee of inspection in sufficient time to reach him not less than seven days before the day appointed for holding the meeting, and shall contain a statement of the proposed amount of the call and the purpose for which it is intended. The notice of the meeting shall be in Form No. 72.

Notice of the intended call and the intended meeting of the committee of inspection shall also be advertised once in the *Gazette* and once in a prescribed newspaper or in such other manner as the Court may direct. The advertisement shall state the time and place of the intended meeting of the committee of inspection, and that each contributory may either attend the said meeting and be heard, or make any communication in writing to the liquidator or members of the committee of inspection to be laid before the meeting in reference to the said intended call. The advertisement shall be in Form No. 73.

“(3.) At the meeting of the committee of inspection any statements or representations made either to the meeting personally or addressed in writing to the liquidator or members of the committee by any contributory shall be considered before the intended call is sanctioned.

“(4.) The sanction of the committee of inspection, shall be given by resolution if passed by a majority of the members present. The resolution shall be in Form No. 74.

“(5.) Where there is no committee of inspection, the liquidator shall not make a call without first obtaining the leave of the Court. Where the liquidator desires to make a call on a contributory who is a member of the committee of inspection it shall not be necessary for him to obtain the sanction of such committee to make the call but may obtain the leave of the Court to make it.

Application
to the Court
for leave to
make a call.
N.S.W. r. 146.

“136.—(1.) An application to the Court for leave to make any call on the contributories of a Company or any of them for any purpose authorised by the Act shall be made by summons stating the proposed amount of such call and the amount which will be due from each contributory in respect thereof. The summons shall be supported by affidavit. The summons shall be served not less than four days before the return day on every contributory proposed to be included in such call; or if the Court so directs, notice of such intended call may be given by advertisement, without a separate notice to each contributory. The summons shall be in Form No. 75. The advertisement shall be in Form No. 76. The affidavit shall be in Form No. 77.

“(2.) The copy of the summons served on each contributory need not contain a statement of the several amounts which will be due from all contributories in respect of the call, but only of the amount which will be due in respect thereof from the contributory served.

“(3.) Upon the hearing of the summons the Court may give leave to the liquidator to make the call and also order the payment by the contributories respectively of the amounts due in respect of the call within a time to be named in such order. The order giving leave to make a call shall be in Form No. 78.

“(4.) When the liquidator is authorised by resolution or order to make a call on the contributories, he shall file in the Registrar's Office a document in Form No. 79 making the call.

Service of
notice of a call.
N.S.W. r. 147.

“137. When a call has been made by the liquidator a copy of the resolution of the committee of inspection or order of the Court as the case may be shall forthwith after the call has been made be served upon each of the contributories included in such call, together with a notice from the liquidator specifying the amount of balance due from such contributory in respect of such call, but such

resolution or order need not be advertised unless for any special reason the Court so directs. The notice, when the liquidator is authorised by resolution of the committee of inspection, shall be in Form No. 80. The notice, when the liquidator is authorized by order of the Court, shall be in Form No. 81.

“ 138.—(1.) The payment of the amount due from each contributory on a call may be enforced by order of the Court to be made on summons taken out by the liquidator. Enforcement of call.
N.S.W. r. 148.

“ (2.) Such summons shall be served not less than four days before the return day; but the copy served on each contributory need not contain a statement of the several amounts due from all contributories in respect of the call and costs but need contain only a statement of the amount claimed as due in respect of the call and costs from the contributory served.

“ (3.) In his affidavit in support of such summons the liquidator shall estimate the amount properly due from each respondent contributory (if more than one) for the costs of the application and of carrying it into effect, and in so doing shall apportion the general costs of the application equally between all the respondent contributories. The affidavit shall be in Form No. 82.

“ 139. Orders for payment of calls balances or other moneys due from any contributory or other person shall be in Form No. 83. Form of order for payment of calls.
N.S.W. r. 149.

“ 140. It shall not be necessary for creditors of the company formally to prove their debts or claims or establish any title they may have to priority unless the liquidator requires such formal proof. Notices of claims.
N.S.W. r. 150.

“ 141. If the liquidator does not require formal proof of a debt or claim in the first instance he may cause to be published once in a prescribed newspaper a notice in Form No. 84. Notice to send in claims.
N.S.W. r. 151.

“ 142.—(1.) The liquidator may decide to admit a debt or claim without formal proof by affidavit where he is satisfied that the debt or claim is valid. Admission of debts or claims without formal proof.
N.S.W. r. 152.

“ (2.) Where the liquidator decides to admit a debt or claim without formal proof by affidavit it shall not be necessary for him formally to admit the debt or claim in writing.

“ (3.) Where a creditor's debt or claim has been admitted without formal proof a notice of dividend shall be a sufficient notification of the admission.

“ (4.) The liquidator shall not reject a debt or claim without first giving notice pursuant to Rule 143 requiring formal proof thereof.

“ 143.—(1.) Subject to the provisions of the Ordinance and any order of the Court or the Registrar, the liquidator may from time to time fix a certain day, which shall be not less than fourteen days from the date of the notice hereinafter mentioned, on or before which the creditors of the company are to prove their debts or claims, and to establish any title they may have to priority under the Act, or be excluded from the benefit of any distribution made before such debts are proved, or as the case may be from objecting to such distribution. Notice to creditors to prove.
N.S.W. r. 153.

“ (2.) The liquidator shall give notice in writing of the day so fixed by advertisement once in the *Gazette* and once in a prescribed newspaper, and to every person who, to the knowledge of the liquidator, claims to be a creditor of the company or to have priority and whose claim has not been admitted. The notice shall be in Form No. 85.

“ (3.) All the rules hereinafter set out as to admission and rejection of proofs shall apply with the necessary variations to any such claim to priority as aforesaid.

Verification
or proof.
N.S.W. r. 154.

" 144. An affidavit proving a debt or claim may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

Contents and
form of proof.
N.S.W. r. 155.

" 145.—(1.) An affidavit proving a debt or claim shall verify detailed particulars thereof and in the case of a debt shall contain a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated. The liquidator may at any time call for the production of the vouchers.

" (2.) A debt may be proved by delivering or sending through the post to the liquidator a proof of debt or claim.

" (3.) The proof of debt or claim shall be in Form No. 86.

Statement of
security.
N.S.W. r. 156.

" 146. An affidavit proving a debt or claim shall state whether the creditor is or is not a secured creditor and the nature of the security (if any).

Costs of proof.
N.S.W. r. 157.

" 147. A creditor shall bear the cost of proving his debt or claim unless the Court or the Registrar otherwise orders.

Notice of
dividend.
N.S.W. r. 158.

" 148. Where a creditor's proof has been admitted the notice of dividend shall be a sufficient notification of the admission.

Grounds of
rejection and
notice to
creditor.
N.S.W. r. 159.

" 149. Within seven days after the liquidator has rejected a proof of debt in whole or in part, he shall notify the claimant of the grounds of his rejection, and shall at the same time give notice to the claimant that in default of his applying to the Court or the Registrar by summons, within a time to be named in the notice (not being less than fourteen days after service of the notice) for the hearing of an appeal by the claimant against the determination of the liquidator, the amount of his debt or claim will be assessed in accordance with the liquidator's endorsement on the claimant's proof. The time fixed by such notice may be extended by the Court or the Registrar notwithstanding that the application for such extension is not made till after the time fixed by the notice has expired. Such notice shall be given in Form No. 87.

Appeal by
creditor.
N.S.W. r. 160.

" 150. If a creditor or contributory is dissatisfied with the decision of the liquidator in respect of a proof, the Court or the Registrar may, on the application of the creditor or contributory, reverse or vary the decision; but, subject to the power of the Court or the Registrar to extend the time, no application to reverse or vary the decision of the liquidator rejecting a proof sent to him by a creditor or person claiming to be a creditor shall be entertained unless notice of the application is given before the expiration of the period fixed by the notice referred to in Rule 149 or such extended period as the Court or the Registrar may allow.

Expunging at
instance of
liquidator or
creditor.
N.S.W. r. 161.

" 151.—(1.) If the liquidator thinks that a proof has been improperly admitted the Court or the Registrar may, on the application of the liquidator, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

" (2.) The Court or the Registrar may also expunge or reduce a proof upon the application of a creditor or contributory if the liquidator declines to interfere in the matter.

Withdrawal
or variation
of proof.
N.S.W. r. 162.

" 152. A proof may be withdrawn reduced in amount or otherwise varied by a creditor with the consent of the liquidator. The liquidator shall file notice thereof in the Registrar's Office.

“ 153. For the purpose of any of his duties in relation to proofs, the liquidator, in a winding-up by the Court, may administer oaths and take affidavits. Oaths.
N.S.W. r. 163.

“ 154. The liquidator in a winding-up by the Court shall, within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof in the Registrar’s Office together with a copy of the notification of the grounds of his rejection referred to in Rule 149. Procedure
where creditor
appeals in
a winding-up
by the Court.
N.S.W. r. 164.

“ 155.—(1.) Subject to the power of the Court or the Registrar to extend the time, the liquidator within twenty-eight days after receiving a proof which has not previously been dealt with, shall, in writing, either admit or reject it wholly or in part, or require further evidence in support of it: Provided that where a liquidator has given notice of his intention to declare a dividend, he shall, within fourteen days after the date mentioned in the notice as the latest date up to which proofs must be lodged, examine, and in writing admit or reject, or require further evidence in support of, every proof which has not been already dealt with, and shall give notice of his decision, rejecting a proof wholly or in part, to the creditor affected thereby. Time for
dealing with
proofs by
liquidator.
N.S.W. r. 165.

“ (2.) If within twenty-eight days after receiving a proof, the liquidator has not given notice of his decision with regard thereto, the creditor who lodged the proof may apply to the Court or the Registrar for a decision thereon, provided that if within the said period the liquidator gives notice to the person who lodged the proof that he requests further evidence in relation thereto, the said period shall commence to run only from the time the liquidator receives a written answer to the request.

“ 156. Unless the Court or the Registrar otherwise orders a liquidator shall not be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part. Costs of
appeals from
decisions as
to proofs.
N.S.W. r. 166.

“ 157. A debt shall not be admitted by the liquidator unless the creditor making the claim deducts therefrom all trade discounts. Discount.
N.S.W. r. 167.

“ 158. When any rent or other payment falls due at stated periods, and the order or resolution to wind-up is made at any time other than one of those periods, the persons entitled to the rent or payment may claim or prove for a proportionate part thereof up to the date of the winding-up order or resolution as if the rent or payment grew due from day to day: Periodical
payments.
N.S.W. r. 168.

Provided that where the liquidator remains in occupation of premises demised to a company which is being wound-up, nothing herein contained shall prejudice or affect the right of the landlord of such premises to claim payment by the company, or the liquidator, of rent during the period of the company’s or the liquidator’s occupation.

“ 159. A debt not payable at the date of the winding-up order or resolution may be admitted by the liquidator as if it were payable presently and the creditor making the claim may receive dividends equally with the other creditors, subject to the deduction thereout of a rebate of interest at the rate of five per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted. Proof of debt
payable at a
future time.
N.S.W. r. 169.

“ 160. In any case in which it appears that there are numerous claims for wages or salaries (whether or not earned wholly or in part by way of commission) of employees of the company or for remuneration payable to such employees in respect of annual leave or long service leave it shall be sufficient if one claim or proof for all such claims is made by some other person on behalf of all such Employees
wages.
N.S.W. r. 170.

creditors. Such claim or proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the employees, and the amounts severally due to them. Any claim or proof made in compliance with this rule shall have the same effect as if separate claims or proofs had been made by each of the said employees. A claim or proof made under this Rule shall be in Form No. 88.

Production
of bills of
exchange and
promissory
notes.
N.S.W. r. 171.

“161. Where a creditor seeks to claim or prove in respect of a bill of exchange promissory note or other negotiable instrument or security on which the company is liable, such bill of exchange note instrument or security must, subject to any order of the Court or the Registrar made to the contrary, be produced to the chairman of a meeting or the liquidator, as the case may be, and be marked by him before the claim or proof can be admitted either for voting or for any purpose.

Transmission
of claims and
proofs to
liquidator in
a winding-up
by the Court.
N.S.W. r. 172.

“162. Where a liquidator is appointed, all claims and proofs of debts that have been received by a provisional liquidator shall be handed over to the liquidator, but the provisional liquidator shall first make a list of such claims and proofs.

Provisional
liquidator's
powers.
N.S.W. r. 173.

“163. A provisional liquidator shall have all the powers of a liquidator with respect to the admission of debts or claims without formal proof and the examination admission and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

Certified list
of proofs to
be filed in
a winding-up
by the Court.
N.S.W. r. 174.

“164. Every liquidator in a winding-up by the Court shall, if required by the Court or the Registrar, file in the Registrar's Office a certified list of all claims and proofs, if any, received by him in respect of debts or claims. The list of claims and proofs shall be in Form No. 89.

Dividend
confined to
person on list.
N.S.W. r. 175.

“165. Any dividend among creditors shall be confined to those persons whose debts or claims, at the date of the distribution, have been admitted by the liquidator.

Dividends to
creditors.
N.S.W. r. 176.

“166.—(1.) Not more than two months before declaring a dividend the liquidator shall give notice of his intention to do so by advertisement once in the *Gazette*, and at the same time shall give notice to such of the creditors mentioned in the statement of affairs whose debts have not been proved or admitted and to any other persons who to the knowledge of the liquidator claim to be creditors of the company but whose debts have not been proved or admitted. Such notice shall specify the latest date up to which proofs must be lodged, which shall not be less than fourteen days from the date of such notice. The advertisement shall be in Form No. 90. The notice shall be in Form No. 91 and in case of a final dividend in Form No. 92.

“(2.) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date up to which proofs may be lodged, appeals against the decision of the liquidator rejecting a proof, notice of appeal shall, subject to the power of the Court or the Registrar to extend the time in special cases, be given within fourteen days from the date of the notice of the decision against which the appeal is made, and the liquidator may in such case make provision for the dividend upon such proof, and the probable cost of such appeal in the event of the proof being admitted. Where no notice of appeal has been given within the time specified in this rule, the liquidator shall exclude all proofs which have been rejected from participation in the dividend.

“(3.) Immediately after the expiration of the time fixed by this Rule for appealing against the decision of the liquidator he shall proceed to declare a dividend and send notice of such declaration to the persons entitled to receive payment of the dividend. The notices shall be in Form No. 93.

"(4.) If it becomes necessary, in the opinion of the liquidator, to postpone the declaration of the dividend beyond the limit of two months, the liquidator shall give fresh notice of his intention to declare a dividend by advertisement once in the *Gazette*, but it shall not be necessary for the liquidator to give fresh notice to such of the creditors mentioned in the statement of affairs whose debts have not been proved or admitted. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

"(5.) If a person to whom dividends are payable desires that they shall be paid to some other person, he may lodge with the liquidator a document in Form No. 94 which shall be a sufficient authority for payment of the dividends to the person therein named.

"(6.) Dividends may be transmitted by post.

"167. Unless the Court or the Registrar otherwise orders the liquidator need not file a plan of distribution in the Registrar's Office before making a distribution among creditors.

Plan of distribution.
N.S.W. r. 177.

"168.—(1.) The liquidator shall not make a return of capital to contributories of the company without first obtaining the leave of the Court or the Registrar.

Return of capital to contributories in a winding-up by the Court.
N.S.W. r. 178.

"(2.) Every order by which the liquidator in a winding-up by the Court is authorised to make a return to contributories of the company shall, unless the Court or the Registrar shall otherwise direct, contain or have appended thereto a schedule or list (which the liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be paid, and the amount of money payable to each person, and particulars of the transfers of shares (if any) which have been made or the variations in the list of contributories which have arisen since the date of the settlement of the list of contributories, and such other information as may be requisite to enable the return to be made. The schedule or list shall be in Form No. 95, and the liquidator shall send a notice of return to each contributory. The notice of return shall be in Form No. 96.

"(3.) If a person to whom a return of capital is payable desires that it shall be paid to some other person, he may lodge with the liquidator a document in Form No. 97, which shall be a sufficient authority for payment of the return to the person therein named.

"(4.) A return of capital may be transmitted by post.

"169. Every liquidator of a company which is being wound-up shall, unless otherwise directed by the Court, the Registrar or the committee of inspection—

Payments into bank.
N.S.W. r. 179.

(a) Open with a bank an account to be known as the liquidator's general account.

(b) Pay all moneys received by him into the said account within seven days after such receipt.

"170. If any liquidator shall not pay all the moneys received by him into the said account within seven days next after the receipt thereof such liquidator shall if the Court or Registrar so directs be charged in his account with one dollar for every two hundred dollars, and a proportionate sum for any larger amount retained in his hands beyond such period, for every seven days during which the same shall have been so retained, and the Court or Registrar may, for any such retention, reduce the salary or remuneration of such liquidator.

Consequences of liquidator not making payments into bank.
N.S.W. r. 180.

"171. All bills notes and other securities payable to the company or to the liquidator thereof shall, as soon as possible after they shall come to the hands of such liquidator, be deposited by him in the bank mentioned in Rule 169, for the purpose of being presented by the bank for acceptance and payment or for payment only as the case may be.

Deposit of bills, notes and securities.
N.S.W. r. 181.

Delivery of
securities.
N.S.W. r. 182.

“172. All bills notes and other securities delivered into the bank mentioned in Rule 169 shall be delivered out upon a request signed by the liquidator.

Payment into
Court.
N.S.W. r. 183.

“173. All or any part of the money for the time being standing to the credit of the general account of the liquidator, and not immediately required for the purposes of the winding-up, may be paid into Court to the credit of an account intitled in the matter of the company in liquidation or invested in securities issued by the Government of the Commonwealth or a State or placed on deposit at interest with any bank.

Special bank
account.
N.S.W. r. 184.

“174.—(1.) The Court or the Registrar may in any case give directions with respect to the payment deposit or custody of moneys or securities payable to or coming into possession of a liquidator.

“(2.) Where application is made to the Court or the Registrar to authorise the liquidator to make his payments into and out of a special bank account, the Court or the Registrar may grant such authorisation for such time and on such terms as it or he may think fit and may at any time order the account to be closed if it or he is of opinion that the account is no longer required.

“(3.) An office copy of every order of the Court or the Registrar giving directions with respect to the payment deposit or custody of moneys or securities shall be served upon the bank by the liquidator.

Payments
out of Bank.
N.S.W. r. 185.

“175. Unless otherwise directed by the Court or the Registrar—

(1) All payments out shall be made by cheque, and every cheque shall have marked or written on the face of it the name of the company, and shall be signed by the liquidator.

(2) Cheques need not be countersigned by the Registrar or any other person unless the Court or the Registrar otherwise orders.

Books of
accounts and
records.
N.S.W. r. 186.

“176. The liquidator shall keep proper books of account and records of all matters relating to the administration of the affairs of the company including a book or file in which he shall record all proceedings had and resolutions passed at any meetings of creditors or contributories or of the committee of inspection.

Inspection of
books or
documents.
N.S.W. r. 187.

“177. If any contributory or creditor of the company requires to see any book or document in the custody of the liquidator which the liquidator refuses to produce for his inspection, such contributory or creditor may apply to the Court or the Registrar for leave to inspect such book or document, which leave the Court or the Registrar may grant on such terms and conditions it or he may think fit.

Delivery of
books by
outgoing
liquidator.
N.S.W. r. 188.

“178. Upon a liquidator's resigning or being released or removed from his office, he shall deliver over to the new liquidator all books kept by him and all other books documents papers and accounts in his possession relating to the office of liquidator.

Accounts.
N.S.W. r. 191.

“179. A liquidator who, by virtue of section 281 of the Ordinance, lodges with the Registrar of Companies an account of his receipts and payments and a statement of the position in the winding-up, and a statutory declaration verifying the account and statement, shall lodge copies of the account and statement and of the declaration with the Registrar on the day on which the account and statement and the declaration are lodged with the Registrar of Companies.

Filing of
liquidator's
accounts.
N.S.W. r. 191.

“180.—(1.) This Rule shall apply only where in a particular winding-up the Court or the Registrar so orders.

“(2.) The liquidator may within fourteen days after filing any accounts and shall within fourteen days after filing his final accounts, if any, take out an appointment to vouch and pass his accounts before the Registrar. For the purposes of vouching the liquidator's accounts the liquidator shall furnish such vouchers,

proofs of debt other documents and papers and information as may be required and the Registrar may at any time require the production of and inspect any books or accounts kept by the liquidator. The liquidator shall unless excused attend at the appointed time and place to vouch his accounts.

“(3.) The liquidator shall before making any distribution to creditors or contributories prepare and file in the Registrar’s Office a plan of such distribution. The liquidator shall then take out an appointment before the Registrar for the purpose of having the plan of distribution checked. The liquidator shall attend at the time and place appointed.

“(4.) The liquidator may within fourteen days after any accounts have been vouched and passed or any plan of distribution has been checked apply to the Registrar to confirm the said accounts or plan of distribution. The liquidator shall within fourteen days after his final account, if any, has been vouched and passed or any final plan of distribution has been checked apply to the Registrar to confirm the said final account or final plan of distribution and any accounts not previously confirmed or plan of distribution. The liquidator shall attend at the time and place appointed by the Registrar for the confirmation of any accounts or plans of distribution.

“181. Unless the Court, the Registrar or the liquidator otherwise directs, bills of costs or charges of solicitors managers accountants auctioneers brokers or other persons employed by the liquidator in a winding-up by the Court may be paid by the liquidator without first being taxed by the taxing officer. Every solicitor manager accountant auctioneer broker or other person employed by a liquidator in a winding-up by the Court shall if requested by the liquidator (such request to be made a sufficient time before the declaration of a dividend) lodge his bill of costs or charges in the Registrar’s Office for the purpose of taxation; and shall immediately serve the liquidator with a copy of such bill with a notice of the appointment for taxation endorsed thereon; and if he fails to do so within the time stated in the request or such extended time as the liquidator, the Court or the Registrar may allow the liquidator shall declare and distribute the dividend without regard to such person’s claim and subject to any order by the Court or the Registrar the claim shall be forfeited. The request by the liquidator shall be in Form No. 98.

Taxation of costs payable by or to a liquidator or by the company in a winding-up by the Court.
N.S.W. r. 192.

“182. Where any party to or person affected by any proceeding desires to make an application for an order that he be allowed his costs or any part of them incident to such proceeding and such application is not made at the time of the proceeding—

Application for costs.
N.S.W. r. 193.

(1.) Such party or person shall serve notice of his intended application on the liquidator.

(2.) The liquidator may appear on such application and object thereto.

“183. In a winding-up by the Court upon the taxation of any bill of costs charges or expenses being completed the taxing officer shall issue to the person presenting such bill for taxation his allowance or certificate of taxation. The bill of costs charges and expenses together with the allowance or certificate shall be filed in the Registrar’s Office.

Certificate taxation in a winding-up by the Court.
N.S.W. r. 194.

“184. In a winding-up by the Court where the bill of costs or charges of any solicitor manager accountant auctioneer broker or other person employed by a liquidator, is payable out of the assets of the company, a certificate in writing signed by the liquidator shall on the taxation, if any, be produced to the taxing officer setting forth whether any and if so what special terms of remuneration have been agreed to.

Certificate of employment in a winding-up by the Court.
N.S.W. r. 195.

Refusal neglect
or failure to
procure
taxation.

N.S.W. r. 196.

"185. Where an order directs the taxation of the costs of more than one person, any one such person may apply to the taxing officer to bring in his bill of costs for taxation and the taxing officer may tax the bill and issue to the person presenting such bill for taxation his allowance or certificate of taxation, notwithstanding that the other such persons have not brought in their bills of costs for taxation.

Sheriff's costs
in a winding-up
by the Court.

N.S.W. r. 197.

"186. In a winding-up by the Court in any case in which pursuant to sub-section (1.) of section 299 of the Ordinance a sheriff is required to deliver goods or money to a liquidator such sheriff shall without delay bring in his bill of costs for taxation and it shall be taxed by the taxing officer and unless such bill of costs is brought in for taxation within one month from the date when the sheriff makes such delivery the liquidator may decline to pay the same.

Taxation of
Sheriff's costs
after deduction
in a winding-up
by the Court.

N.S.W. r. 198.

"187. If a liquidator in a winding-up by the Court shall in writing require any costs which a sheriff has deducted under sub-section (2.) of section 299 of the Ordinance to be taxed the sheriff shall, within seven days from the date of the request, bring in such costs for taxation, and they shall be taxed by the taxing officer, and any amount disallowed on such taxation shall forthwith be paid over by the sheriff to the liquidator.

Liquidator's
charges in
a winding-up
by the Court.

N.S.W. r. 199.

"188. Where a liquidator or special manager in a winding-up by the Court receives remuneration for his services as such, no payment shall be allowed on his accounts in respect of the performance by any other person of the ordinary duties which are required by law to be performed by himself.

Payments of
undistributed
and unclaimed
moneys to the
Treasurer in
accordance with
section 4 of the
Companies
(Unclaimed
Assets and
Moneys)
Ordinance
1950-1966.

N.S.W. r. 202.

"189.—(1.) Where a liquidator has in his hands or under his control any unclaimed dividends or other moneys which have remained unclaimed for more than six months from the date when the dividends or other moneys became payable, he shall forthwith on the expiration of the six months pay the said unclaimed dividends and other moneys to the Treasurer in accordance with section 4 of the *Companies (Unclaimed Assets and Moneys) Ordinance 1950-1966*.

"(2.) Notwithstanding anything in this Rule any unclaimed or undistributed moneys arising from the property of the company in the hands of the liquidator after making a final distribution shall forthwith be paid by him to the Treasurer.

Application for
payment out
by person
entitled.

"190. An application by a person claiming to be entitled to any money paid to the Treasurer under section 4 of the *Companies (Unclaimed Assets and Moneys) Ordinance 1950-1966* shall, unless the Court otherwise directs, be supported by a certificate of the liquidator that the person claiming is so entitled.

Application for
payment out by
person entitled.

N.S.W. r. 203.

"191. An application to the Court under sub-section (6.) of section 311 of the Ordinance by any person claiming to be entitled to any money paid to the Treasurer under sub-section (4.) of section 311 may be made in the same manner as for an order of course under the practice obtaining for the time being in the Court but, unless the Court otherwise directs, shall be supported by a certificate of the liquidator that the person claiming is so entitled.

Registrar's
certificate of
completion
of winding-up
in a winding-up
by the Court.

N.S.W. r. 204.

"192. When the affairs of a company in a winding-up by the Court have been completely wound-up, the liquidator shall apply to the Registrar for a Certificate that the affairs of the company have been completely wound-up. The liquidator

shall furnish the Registrar with such information, books of accounts, records, proofs of debt, other documents and papers as may be required and shall attend at such time and place as the Registrar shall appoint. The liquidator shall file the said Certificate in the Registrar's Office when it has been signed by the Registrar. The said Certificate shall be prepared by the liquidator or his solicitor and shall be in Form No. 99.

" 193. An application for dissolution of a company in a winding-up by the Court shall be made by summons in Form No. 100. The applicant or his solicitor shall not earlier than the day prior to the hearing of the summons or on the preceding Friday where the summons is to be heard on a Monday or on a Tuesday following a Court holiday obtain from the Registrar a Certificate that no application has been made to vary the Registrar's Certificate of completion of the winding-up and file such Certificate in the Registrar's Office. The said Certificate shall be prepared by the applicant or his solicitor and shall be in Form No. 101.

Dissolution in a winding-up by the Court.
N.S.W. r. 205.

" 194.—(1.) A liquidator before making application to the Court for his release, shall give notice of his intention so to do to all the creditors who have proved their debts and to all the contributories, and shall send with the notice and file in the Registrar's Office a summary of all receipts and payments in the winding-up. The notice shall be in Form No. 102. The summary shall be in Form No. 103.

Proceedings for release of liquidator.
N.S.W. r. 206.

" (2.) An office copy of an order granting the release of a liquidator pursuant to section 240 of the Ordinance shall within fourteen days after the making thereof be lodged by the liquidator with the Registrar of Companies. The costs of lodging the same shall be an expense of the winding-up.

" 195.—(1.) The liquidator, any creditor whose claim has been admitted or any contributory may, after the dissolution of the company, apply to the Court for an order for the destruction of the books and papers referred to in sub-section (1.) of section 284 of the Ordinance or any of them before the expiration of a period of five years after the dissolution of the company.

Disposal of books and papers.
N.S.W. r. 207.

" (2.) The applicant shall give at least one week's notice in writing to the Registrar of Companies of any such application.

" (3.) The Court may order that the books and papers referred to in sub-section (1.) of section 284 of the Ordinance or any of them be destroyed before the expiration of the said period of five years.

" VII.—GENERAL.

" 196. Whenever any matter published in the *Gazette* or a newspaper has been amended or altered, or whenever any matter has been inaccurately published in a material respect, the person who published the same shall, unless the Court shall otherwise direct, re-publish such matter with the necessary amendments and alterations in the *Gazette* if such matter has been published there and in all newspapers in which such matter has been published.

Publishing notices.
N.S.W. r. 208.

" 197.—(1.) If an officer or agent of a corporation the affairs of which are being investigated under Division 3 or Division 4 of Part VI. of the Ordinance fails to comply with the requirements of any notice issued under sub-section (3.) of section 171 of the Ordinance or fails or refuses to answer any question which is put to him by the Inspector with respect to the affairs of the corporation, the Inspector may certify such failure or refusal under his hand to the Court

Application under section 171 (4).
N.S.W. r. 209.

by signing a certificate stating the failure or refusal and by filing the same in the Registrar's Office. The Inspector shall serve a copy of the certificate on the Registrar of Companies. The certificate shall be in Form No. 104.

“(2.) After the said certificate has been filed in the Registrar's Office the Attorney-General, the Registrar of Companies or the Inspector may apply to the Court to inquire into the case. Such application shall be made by issuing a summons out of the Registrar's Office. A sealed copy of the summons and a copy of the said certificate shall be served on the officer or agent of the corporation who is alleged to be guilty of the failure or refusal aforesaid before the date of hearing named in the summons unless the Court otherwise orders. The Court may give directions as to the conduct of the application, evidence to be given and any other matters.

Complaint
under sub-
section (1.) of
section 278.
N.S.W. r. 210.

“198. Any complaint to the Court by any creditor or contributory or by the Board pursuant to sub-section (1.) of section 278 of the Ordinance shall be in writing, and shall be supported by an affidavit filed in the Registrar's Office.

Report under
sub-section (2.)
of section 278.
N.S.W. r. 211.

“199. A report to the Court by the Registrar of Companies or the Board pursuant to sub-section (2.) of section 278 of the Ordinance shall be in writing, and shall set out the matter which in his or its opinion is a misfeasance neglect or omission on the part of the liquidator, and shall contain a short statement of the grounds upon which such opinion is formed. The report shall be placed in an envelope which shall be sealed and the report shall not be inspected or used except by leave of the Court.

Application
under section
306.
N.S.W. r. 212.

“200.—(1.) An application by the Attorney-General to the Court to confer on him or any person designated by him for the purpose the powers of investigating the affairs of a company mentioned in sub-section (4.) of section 306 of the Ordinance may be made *ex parte*, and shall be supported by a report to the Court stating the circumstances in which the application is made. An application by a liquidator for the approval of the Court pursuant to the said sub-section may be made in like manner.

“(2.) The report shall for the purposes of the application be *prima facie* evidence of the statements therein contained.

Arrests and
commitments.
N.S.W. r. 213.

“201. A warrant of arrest or other warrant issued under the provisions of the Ordinance or Rules shall be addressed to the Sheriff, his officers and all others whom it doth or may concern.

Arrest and
commitment
under the
Ordinance or
Rules except
under section
249 or 251 or
rule 118 or 119.
N.S.W. r. 214.

“202. Where a person is arrested under a warrant of commitment issued under any of the provisions of the Ordinance or Rules, other than sections 249 and 251 of the Ordinance and Rules 118 and 119, he shall be forthwith conveyed in custody of the officer apprehending him to prison and kept therein for the time mentioned in the warrant of commitment unless sooner discharged by the order of the Court which originally issued the warrant or otherwise by law.

Arrest under
section 249
or 251 of the
Ordinance or
under rule 118
or 119.
N.S.W. r. 215.

“203. Where a person is arrested under a warrant issued under section 249 or section 251 of the Ordinance or under or pursuant to Rule 118 or Rule 119, he shall remain in custody and shall be produced before the Court by the officer apprehending him as therein directed on the first day on which the Court shall sit after the arrest or as soon thereafter as is practicable and such officer shall safely keep him until such time as the Court shall otherwise order or such person shall be otherwise discharged by law.

“204. An official manager, before making application to the Court for his release pursuant to section 212 of the Ordinance, shall, unless the Court otherwise orders, give notice of his intention so to do to all the creditors of the company who have proved their debts and such of the creditors of the company mentioned in the Statement of Affairs as have not proved their debts.

Release of
official
manager.
N.S.W. r. 216.

“205.—(1.) All notices and other documents, except petitions, summonses and other documents of which personal service is required, may be sent by prepaid post to the last known address of the person to be served therewith or the address (if any) at which such person has authorised service on him to be effected; and the notice or document if so sent by prepaid post shall be considered as served at the time at which the same ought to be delivered in the due course of post by the post office, and notwithstanding the same may be returned by the post office.

Service of
documents on
persons except
companies.
N.S.W. r. 217.

“(2.) No service shall be deemed invalid by reason that the name or any of the names other than the surname of the person to be served has been omitted from the document containing the person's name: provided that the Court is satisfied that in other respects the service of the document has been sufficient.

“206. All notices and other documents, except petitions, summonses and other documents of which other modes of service are required, may be served on a company by leaving them at or sending them by post to the registered office of the company, or if there is no registered office, then at the principal or last known principal place of business of the company or the address (if any) at which the company has authorised service on it to be effected.

Service of
documents on
companies.
N.S.W. r. 218.

“207. The Court may in any proceeding before it make a declaration as to the rights of any party whether or not any other relief can be or is granted.

Declaration of
rights of parties.
N.S.W. r. 219.

“208. No proceedings under the Ordinance or the Rules 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 and that the injustice cannot be remedied by any order of the Court.

Formal defects.
N.S.W. r. 220.

“209. The Court may in any case in which it shall see fit extend or abridge the time appointed by the Rules or fixed by any order of the Court for doing any act or taking any proceeding. Any such extension may be ordered although the application for the same is not made until after the time originally allowed or limited has expired.

Enlargement or
abridgment of
time.
N.S.W. r. 221.

“210. Subject to the Ordinance, where by the Ordinance or any of the Rules notice is required to be given by advertisement or otherwise the Court may in any particular case in which it shall see fit entirely dispense with the requirement or reduce or vary the same in such manner and to such extent as it shall see fit.

Dispensing
with notice.
N.S.W. r. 222.

“211. The Court may in any case authorize any person who is interested in any proceeding application or matter to depart from the provisions of the Rules in any respect.

Departure
from Rules.
N.S.W. r. 223.

“212. The same fees shall be payable in respect of all matters and proceedings under the Ordinance as are from time to time payable in respect of similar matters and proceedings in the Court.”

Fees.
N.S.W. r. 227.

No. 3 (RULE 5).

N.S.W.
Form 3.

AFFIDAVIT OF SERVICE OF PETITION OR SUMMONS ON LIQUIDATOR.

[Title]

[Commence as in No. 2.]

I did, on the day of , 19 , serve [name and description], the liquidator of the abovenamed company, with a copy of the petition [or summons] herein duly sealed with the seal of the Court, by delivering the same to at [place], before the hour of in the noon.

Sworn, &c.

No. 4 (RULE 8).

APPEARANCE.

[Title.]

A.B., of [address] (or A.B. of [address] by C.D. his Solicitor) appears herein and opposes the petition (or summons) [or appears herein and supports the petition (or summons)] [or appears herein and submits to such order as this Honourable Court shall think fit to make]. All documents may be served on A.B. (or C.D.) at the undermentioned address.

Dated this day of , 19 .

[Signed by the person or his solicitor]

[Address of the person or his solicitor].

No. 5 (RULE 20).

N.S.W.
Form 5.

PETITION.

[Title.]

To the Supreme Court of the Australian Capital Territory.

1. The petitioner is A.B. of [address and description].

2. The Company Limited (hereinafter called the company) was on the day of , 19 , incorporated under the Companies Ordinance, 19 .

3. The registered office of the company is at [state office].

[Here set out in numbered paragraphs the facts on which the petitioner relies to support his petition, and conclude as follows:—]

The petitioner therefore claims as follows:—

(1) That [Here set out the relief sought].

(2) That such further order may be made in the premises as shall be just.

Dated this day of , 19 .

C.D.

Solicitor for the Petitioner.

NOTE:—(a) It is intended to serve this petition on [names and addresses of the respondents].

(b) This petition is presented by C.D. of [address], the solicitor for the above-named petitioner.

No. 9 (RULE 23 (2.)).

N.S.W.
Form 9.

STATEMENT UNDER RULE 23.

[Title.]

No persons have given notice of their intention to appear on the hearing of the petition herein, on the _____ day of _____, 19 ____.

Dated this _____ day of _____, 19 ____.

[Signed by the petitioner or his solicitor.]

[Address.]

No. 10 (RULE 24).

N.S.W.
Form 10.

ADVERTISEMENT OF PETITION FOR REDUCTION OF CAPITAL.

[Title.]

Notice is hereby given that a petition has been presented to the Supreme Court to confirm a resolution of the above Company to reduce its capital from \$ _____ to \$ _____ such reduction to be effected by [state how it is to be effected].

The petition is set down to be heard before the Honourable Mr Justice _____ at the Supreme Court of the Australian Capital Territory, Canberra, on the _____ day of _____, 19 ____, at the hour of _____ o'clock in the _____ noon or so soon thereafter as the business of the Court will permit; and any creditor or contributory of the said Company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel or solicitor for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said Company requiring the same by the undersigned on payment of the regulated charge.

A.B.

[Signature of petitioner's solicitor or of petitioner
if not instructing a solicitor.]

[Address.]

NOTE:—

1. Persons intending to appear at the hearing must notify A.B. by post or personally served notice.
2. Such notice should state the name and address of the person (or, where appropriate, the name and address of a firm or company) intending to appear.
3. Such notice should be signed personally (or by authorised representatives of firms or companies) or by a Solicitor.
4. Notices whether posted or personally served must reach A.B. not later than 1.00 p.m. on the _____ day of _____, 19 ____ (State the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday or on a Tuesday following a Court holiday).

No. 11 (RULE 24).

N.S.W.
Form 11.

ADVERTISEMENT OF PETITION.

[Title.]

Notice is hereby given that a petition to [state briefly the nature of the application] was, on the _____ day of _____, 19 ____, presented to the Supreme Court by the said company [or as the case may be]. The said petition is set down to be heard before the Honourable Mr. Justice _____ at the Supreme Court of the Australian Capital Territory, Canberra, on the _____ day of _____, 19 ____, at _____ o'clock in the _____ noon or so soon thereafter as the business of the Court will permit; and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel or solicitor for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge.

A.B.

[Signature of petitioner's solicitor or of petitioner
if not instructing a solicitor.]

[Address.]

NOTE:—

1. Persons intending to appear at the hearing must notify A.B. by post or personally served notice.
2. Such notice should state the name and address of the person (or, where appropriate, the name and address of a firm or company) intending to appear.
3. Such notice should be signed personally (or by authorised representatives of firms or companies) or by a Solicitor.
4. Notices whether posted or personally served must reach A.B. not later than 1.00 p.m. on the _____ day of _____, 19 ____ (State the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday or on a Tuesday following a Court holiday).

No. 12 (RULE 26 (1.)(d)).

AFFIDAVIT VERIFYING LIST OF CREDITORS.

[Title.]

[Commence as in No. 2.]

1. I am the secretary, [or as the case may be] of the petitioner.

2. The paper writing now produced and shown to me, and marked "A", contains a list of the creditors of and persons having claims upon the said Company [or a list of the creditors of and persons having claims upon the said Company except those of the following class or classes—*set out class or classes*] on the _____ day of _____, 19____, [the date fixed by the Court] together with their respective addresses, and the nature and amount of their respective debts or claims, and such list is, to the best of my knowledge, information, and belief, a true and accurate list of such creditors and persons having claims on the day aforesaid, and of the nature and amount or estimated value of their debts or claims.

3. To the best of my knowledge and belief there was not, at the date aforesaid, any such debt or claim which, if such date were the commencement of the winding-up of the said Company would be admissible in proof against the said Company other than and except the debts and claims set forth in the said list. I am enabled to make this statement from facts within my knowledge as the _____ of the said Company, and from information derived upon investigation of the affairs and the books, documents, and papers of the said Company.

Sworn, etc.

“A”

| Names, Addresses, and Descriptions of the Creditors | Nature of Debt or Claim | Amount of Estimated Value of Debt or Claim |
|---|-------------------------|--|
| | | |

This list of creditors marked "A" was produced and shown to A.B., at the time of swearing his affidavit before me this day of , 19 .

A Justice of the Peace.

No. 13 (RULE 26 (2)).

ADVERTISEMENT OF PETITION AND LIST OF CREDITORS.

[Title.]

Notice is hereby given that a petition has been presented to the Supreme Court to confirm a resolution of the above Company for reducing its capital from \$_____ to \$_____
[or as the case may be]. A list of the persons admitted to have been creditors of the Company on the _____ day of _____, 19____, may be inspected at the offices of the Company at [address] or at the office of the undersigned at any time during usual business hours, on payment of the charge of twenty cents:

Any person who claims to have been on the lastmentioned day and still to be a creditor of the Company, except such as belong to the following class or classes [*set out class or classes*] and who is not entered on the said list and claims to be so entered, must on or before the _____ day of _____, 19____, send in his name and address, and the particulars of his claim, and the name and address of his solicitor (if any) to the undersigned or in default thereof he will be precluded from objecting to the proposed reduction of capital (*or as the case may be*).

Every admitted creditor who does not consent thereto shall be entitled to object.

Any creditor who has not received notice that his name is entered in the list of creditors must send to the undersigned particulars of his name and address.

Dated this _____ day of _____, 19____.

A.B.

Solicitor for the Company.
[Address.]

No. 14 (RULE 26 (3.)).

N.S.W.
Form 14.

NOTICE TO CREDITORS.

[Title.]

To Mr.

Take notice that a petition has been presented to the Supreme Court, to confirm a special resolution of the above Company for reducing its capital from \$ to \$. In the list of persons admitted by the Company to have been its creditors on the day of , 19 , [here insert any qualification which may have been directed] your name is entered as a creditor for [nature and amount or estimated value of debt or claim].

If you claim to have been on the lastmentioned day a creditor in a larger amount than is stated above, you must on or before the day of , 19 , send the particulars of your claim your name and address and the name and address of your solicitor [if any] to the undersigned. In default of your so doing, the present entry in the list of creditors will in all the proceedings under the above application to reduce the capital of the Company be treated as correct.

Dated this day of , 19 .

A.B.

Solicitor for the Company.

[Address.]

No. 15 (RULE 26 (4.)).

N.S.W.
Form 15.

AFFIDAVIT AS TO CLAIMS.

[Title.]

We, C.D. of (address), the secretary of the said Company (or as the case may be), E.F. of (address), the solicitor for the said Company (or as the case may be), and A.B. of (address), the managing director of the said Company (or as the case may be), being duly sworn severally make oath and say as follows:—

I, the said C.D. for myself say as follows:—

1. I did, on the day of , 19 , send a true copy of the notice now produced and shown to me and marked "B" to each of the respective persons whose names, addresses, and descriptions appear in the first column of the list of creditors, marked "A", referred to in the affidavit of filed on the day of , 19 , by putting such copies duly addressed to such persons according to their respective names and addresses appearing in the said list (being the last known addresses or places of abode of such persons) and with the proper postage stamps affixed thereto as prepaid letters, into the post office in street, between the hour of and of the clock, in the noon of the said day of , 19 ,

(or where service is effected otherwise than by post, set out the date on which and manner in which service is effected).

And I, the said E.F., for myself say as follows:—

2. A true copy of the notice now produced and shown to me and marked "C", has appeared in the of the day of , 19 , the day of , 19 , &c.

3. I have, in the paper writing now produced and shown to me and marked "D", set forth a list of all claims, the particulars of which have been sent in to me pursuant to the said notice "B", now produced and shown to me by persons claiming to be creditors of the said Company for larger amounts than are stated in the list of creditors, marked "A", referred to in the affidavit of sworn on the day of , 19 , [or no person has sent in to me pursuant to the said notice "B" a claim to be entered on the said list for a larger sum than in respect of which he is entered in the said list "A".]

4. I have, in the paper writing now produced and shown to me, marked "E", set forth a list of all claims, the particulars of which have been sent in to me pursuant to the notice referred to in the third paragraph of this affidavit by persons claiming to be creditors of the said Company on the day of , 19 , not appearing on the said list of creditors marked "A", and who claimed to be entered thereon [or] no claims have been sent in to me pursuant to the notice referred to in paragraph 3 hereof by persons not entered on the list "A" and claimed to be so entered.

Rules of the Supreme Court of the Australian Capital Territory

And we, C.D. and A.B., for ourselves say as follows:—

5. We have, in the first part of the said paper writing marked "D", (now produced and shown to us), and also in the first part of the said paper writing marked "E", (also produced and shown to us), respectively set forth such of the said debts and claims as are admitted by the said Company to be due wholly or in part, and how much is admitted to be due in respect of such of the same debts and claims respectively as are not wholly admitted, and such of the same debts and claims as the Company contends are wholly or as to any and what part thereof not included in the inquiry in this matter.

6. We have, in the second part of such of the said paper writings, marked "D" and "E", set forth such of the said debts and claims as are wholly disputed by the said Company and such of the same debts and claims as the Company contends would even if admitted be wholly [or as to what part thereof] not included in the inquiry in this matter.

And I, the said C.D. further say—

7. All rents rates taxes salaries wages and other incidental expenses current on the said day of , 19 , and since become due have been paid and discharged by the said Company.

Sworn, &c.

EXHIBIT D.

D.

In the matter, &c.

LIST OF DEBTS AND CLAIMS of which the particulars have been sent in to by persons claiming to be creditors of the said Company for larger amounts than are stated in the list of creditors made out by the Company.

This paper writing, marked "D", was produced and shown to C.D., E.F., and A.B., respectively, and is the same as is referred to in their affidavit sworn before me this day of , 19 .

X.Y., A Justice of the Peace.

First Part.

Debts and Claims wholly or partly admitted by the Company.

| Names and Addresses and Descriptions of Creditors | Particulars of Debt or Claim | Amount Claimed | Amount admitted by the Company to be owing to Creditor | Amounts admitted by the Company to be owing but which it is contended are not within the inquiry |
|---|------------------------------|----------------|--|--|
| | | | | |

Second Part.

Debts and Claims wholly disputed by the Company.

| Names, Addresses and Descriptions of Claimants | Particulars of Claim | Amount Claimed | Amounts which, even if admitted, it is contended would not be within the inquiry |
|--|----------------------|----------------|--|
| | | | |

NOTE:—The names are to be inserted alphabetically.

EXHIBIT E.
E.

In the matter, &c.

LIST OF DEBTS AND CLAIMS of which the particulars have been sent in to Mr.
by persons claiming to be creditors of the Company and to be entered on the list of
the creditors made out by the Company.

This paper writing marked "E", was produced and shown to C.D., E.F., and A.B.,
respectively, and is the same as is referred to in their affidavit sworn before me this
day of _____, 19 ____.

X.Y., A Justice of the Peace.

First Part.
(Same as in Exhibit D.)

Second Part.
(Same as in Exhibit D.)

No. 16 (RULE 26 (5)).
NOTICE TO CREDITORS TO COME IN AND PROVE.

N.S.W.
Form 16.

[Title.]

To [Name and address]

You are hereby required to prove the debt claimed by you against the above company by
filing your affidavit in the office of the Registrar of the Supreme Court of the Australian
Capital Territory, Canberra, and serving a copy on the undersigned at [address], on or before
the _____ day of _____ next; and you are to attend by
your Solicitor before the Registrar of the Supreme Court of the Australian Capital Territory,
Canberra, on the _____ day of _____, 19 ____, at _____ o'clock
in the _____ noon being the time appointed for hearing and adjudicating on the
claim, and produce any securities or documents relating to your claim.

In default of your complying with the above directions, you will be precluded from
objecting to the proposed reduction of the capital of the company [or, in all proceedings
relative to the proposed reduction of the capital of the company be treated as a creditor for
such amount only as is set against your name in the list of creditors].

Dated this _____ day of _____, 19 ____.
[Signed.]

Solicitor for the Company.

No. 17 (RULE 26).
CERTIFICATE OF SETTLEMENT OF LIST OF CREDITORS.

N.S.W.
Form 17.

[Title.]

Pursuant to the abovementioned Act and Rule 26 of the Companies Rules, 1968 I have
been attended by the Solicitor [or Counsel] for the abovenamed Company (hereinafter called
"the Company") AND I have proceeded to settle the List of Creditors of the Company as
at the _____ day of _____, 19 ____, being the date as at which
the said List is to be made out and I Find and Certify as follows:—

1. All the requirements of sub-Rules (1) to (7) both inclusive of the said Rule 26 in
so far as they are applicable to this matter, have been satisfied by the Company save as next
hereinafter mentioned.

2. The respects in which the said requirements have not been satisfied are as follows:—
[set them forth]

3. A list of the persons who were creditors of, or had claims against, the Company on
the said _____ day of _____, 19 ____, is set forth in the First Schedule
hereto [or There was no debt, claim or liability of or affecting the Company on the said day
of _____, 19 ____.]

4. The debts or claims of or against the Company, the full amounts whereof are admitted
by the Company, are set forth in the First Part of the said First Schedule.

5. The amounts of the debts or claims of or against the Company as at the said date set
forth in the Second Part of the said First Schedule have been fixed by inquiry and adjudication.

6. The Company is willing to set apart and appropriate the full amounts of the respective
debts, claims and liabilities set forth in the Third Part of the said First Schedule.

THE SECOND SCHEDULE.

(Persons whose debts and claims alleged against the Company have been disallowed.)

| Names of Creditors | Addresses | Nature of alleged Debt or Claim | Amount of alleged Debt or Claim |
|--------------------|-----------|---------------------------------|---------------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| | | | (Insert total at foot.) |

THE THIRD SCHEDULE.

Name of Deponent, Date Sworn.

Dated this day of , 19 .

[NOTE:—If a creditor's name appears in more than one part of the First Schedule, insert after the name a cross-reference thus (No. 6 in 4th Part).]

No. 18 (RULE 27).

N.S.W.
Form 18.

ADVERTISEMENT OF HEARING OF PETITION.

[Title.]

Notice is hereby given that a petition presented to the Supreme Court of the Australian Capital Territory on the day of , 19 , for confirming the reduction of the capital of the said company from \$ to \$ [or as the case may be] is set down to be heard at the Supreme Court, Canberra, on the day of 19 .

[Signed]
Solicitors for the Company.

No. 19 (RULES 29 AND 31).

N.S.W.
Form 19.

FORM OF SUMMONS (GENERAL).

[Title.]

Let all parties concerned attend before the Honourable Mr. Justice a Judge of the Supreme Court of the Australian Capital Territory at the Supreme Court, Canberra, on the day of , 19 , at o'clock in the noon or so soon thereafter as Counsel can be heard on the hearing of an application by C.D. for the following orders:—

[State the orders sought in numbered paragraphs.]

Dated the day of , 19 .

Registrar.

This summons was taken out by
of [address]
for C.D. of [address and description].

Solicitor

In is intended to serve this summons upon A.B. of [address].

NOTE.—If you do not attend, either in person or by your solicitor or counsel, at the time and place abovementioned such order will be made, and proceedings taken, as the Judge may think just and expedient.

[Or: It is not intended to serve this summons upon any person.]

N.S.W.
Form 20.

No. 20 (RULE 39).

PETITION.

[Title.]

To the Supreme Court of the Australian Capital Territory.

1. The petitioner is A.B. of [address and description].
2. The Company Limited (hereinafter called the company), was in the month of incorporated under the Companies Ordinance 19 [or as the case may be].

3. The registered office of the company is at [state the full address].

4. [Here set out in numbered paragraphs the facts on which the petitioner relies].

The petitioner therefor claims as follows:—

1. That the Company Limited may be wound-up by the Court under the provisions of the Companies Ordinance, 1962.

2. That or such other official liquidator as the Court may see fit to appoint may be appointed liquidator of the company [or, if it is not intended to specify any particular Official Liquidator, state 2. That an Official Liquidator may be appointed liquidator of the company].

3. That all proceedings for and in relation to the winding-up shall be had and taken before the Registrar.

4. That the costs of the petitioner of this petition may be paid out of the assets of the company.

5. That such other order may be made in the premises as shall be just.

Dated this day of , 19 C.D.

Solicitor for the Petitioner.

NOTE:—

(a) This petition was presented by C.D. of [address] the solicitor for the abovenamed petitioner.

(b) [This note will usually be unnecessary if the company is petitioner].

It is intended to serve this petition on [name and address].

(c) This petition will be advertised in accordance with the Companies Rules 1969 after the expiration of 3 days from the date of service of this petition.

Affidavit Verifying Petition.

[See Form 23 or 24.]

[Note that the affidavit verifying petition should be on the petition.]

N.S.W.
Form 21.

No. 21 (RULE 39).

PETITION BY UNPAID CREDITOR.

[Title.]

To the Supreme Court of the Australian Capital Territory.

1. The petitioner is A.B. of [address and description].
2. The Company Limited (hereinafter called the company), was in the month of incorporated under the Companies Ordinance 19 [or as the case may be].

3. The registered office of the company is at [state the full address].

4. The company is indebted to your petitioner in the sum of \$ for [state consideration for the debt, with particulars so as to establish that the debt claimed is due].

5. The petitioner has made application to the company for payment of his debt but the company has failed and neglected to pay the same or any part thereof.

6. The company is insolvent and unable to pay its debts.

7. In the circumstances it is just and equitable that the company should be wound-up.

The petitioner therefore claims as follows:—

[Proceed as in Form No. 20.]

Affidavit Verifying Petition.

[See Form 23 or 24.]

[Note that the affidavit verifying petition should be on the petition.]

No. 22 (RULE 40).
PETITION UNDER S. 186.

N.S.W.
Form 22.

[Title.]

To the Supreme Court of the Australian Capital Territory.

1. The petitioner is A.B. of [address and description].
2. The Company Limited (hereinafter called the company), was in the month of incorporated under the Companies Ordinance 19 [or as the case may be].

3. The registered office of the company is at [state the full address].
[Here set out in numbered paragraphs the material facts on which the petitioner relies.]

The petitioner therefore claims as follows: —

[Proceed as in Form No. 5.]

Affidavit Verifying Petition.

[See Form 23 or 24.]

[Note that the affidavit verifying petition should be on the petition.]

No. 23 (RULE 41).
AFFIDAVIT VERIFYING PETITION.

N.S.W.
Form 23.

[Title.]

[Commence as in Form No. 2.]

1. I am the petitioner herein.
2. Such of the statements in the petition as relate to [if the petition is by a firm, insert "the acts and deeds of my said firm"] my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, etc.

No. 24 (RULE 41.)
AFFIDAVIT VERIFYING PETITION OF LIMITED COMPANY.

N.S.W.
Form 24.

[Title.]

[Commence as in Form No. 2.]

1. I am a director [or the secretary] of Company Limited, the petitioner in the above matter, and am duly authorized by the said petitioner to make this affidavit on its behalf.

2. Such of the statements in the petition herein, as relate to the acts and deeds of the said petitioner are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, etc.

No. 25 (RULE 42).
ADVERTISEMENT OF PETITION

N.S.W.
Form 25.

[No title is necessary.]

Notice is hereby given that a petition to wind-up [state name of company] was, on the , 19 , presented to the Supreme Court of the Australian Capital Territory by [insert name of petitioner] And that the said petition will come on for hearing before the Honourable Mr. Justice at a.m. on the , 19 , at the Supreme Court, Canberra; and any creditor or contributory of the said company wishing to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel or solicitor

for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge.

A.B.

[Signature of petitioner's solicitor or of petitioner if not instructing a solicitor.]

[Address.]

NOTE:—

1. Persons intending to appear at the hearing must notify A.B. by post or personally served notice.

2. Such notice must state the name and address of the person (or, where appropriate, the name and address of a firm or company) intending to appear.

3. Such notice must be signed personally (or by authorized representatives of firms or companies) or by a Solicitor.

4. Notices whether posted or personally served must reach A.B. not later than 1.00 p.m. on the day of , 19 (State the day prior to the hearing of the petition or on the preceding Friday where the petition is to be heard on a Monday or on a Tuesday following a Court holiday).

N.S.W.
Form 26.

No. 26 (RULE 42).

ADVERTISEMENT OF PETITION UNDER S. 186.

[No title is necessary.]

Notice is hereby given that a petition was, on the day of 19 , presented to the Supreme Court of the Australian Capital Territory by *[insert name of petitioner]* for an order under s. 186 of the *Companies Ordinance 1962-1969* in respect of *[state name of company]* *[or where an order for winding-up of the company is sought in the alternative to relief under s. 186]* or in the alternative for the winding-up of the said company. The said petition will come on for hearing before the Honourable Mr Justice at a.m. on the , 19 , at the Supreme Court, Canberra; and any creditor or contributory of the said company wishing to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel or solicitor for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge.

[Conclude as in Form No. 25 including the note to the Form.]

N.S.W.
Form 27.

No. 27 (RULE 43).

ORDER APPOINTING PROVISIONAL LIQUIDATOR.

[Where order made pursuant to summons.]

[Title.]

day the day of One thousand nine hundred and
UPON APPLICATION made herein this day *[or on the*
day of and this day] on behalf of of
in pursuance of summons filed herein on the day of , 19 .
WHEREUPON AND UPON HEARING READ the said summons, etc.....
AND UPON HEARING, etc..... IT IS ORDERED that
of be and he is hereby appointed Provisional
Liquidator of the abovenamed company. AND IT IS FURTHER ORDERED, etc.....
.....

By the Court,

Registrar.

N.S.W.
Form 28.

No. 28 (RULE 43).

ORDER APPOINTING PROVISIONAL LIQUIDATOR.

[Where order made on hearing of Petition.]

[Title.]

day the day of One thousand nine hundred and
UPON THE PETITION of presented to this Court on
the day of , 19 coming on to be heard this

day [or on the day of and this day] before the Honourable
 WHEREUPON AND UPON HEARING READ the said Petition,
 etc.....AND UPON HEARING, etc.....
 IT IS ORDERED that of be and he is
 hereby appointed Provisional Liquidator of the abovenamed company. AND IT IS FURTHER
 ORDERED, etc.

By the Court,
 Registrar.

No. 29 (RULE 43).

N.S.W.
 Form 29.

NOTIFICATION TO REGISTRAR OF ORDER PRONOUNCED FOR APPOINTMENT
 OF PROVISIONAL LIQUIDATOR.

[Title.]

To the Registrar of Companies.

Order pronounced this day by the Honourable Mr. Justice
 [or as the case may be] for the appointment of
 Liquidator prior to any winding-up order being made.

as Provisional

| Name of Company | Registered Office of Company | Petitioner's Solicitor and Address | Date of Presentation of Petition |
|-----------------|---------------------------------|---------------------------------------|-------------------------------------|
| | | | |

Dated this day of , 19 .

Petitioner or Solicitor for the
 Petitioner.

No. 30 (RULE 43).

N.S.W.
 Form 30.

ADVERTISEMENT OF APPOINTMENT OF PROVISIONAL LIQUIDATOR.

[No title is necessary.]

An Order for the appointment of a Provisional Liquidator of [name of company] Limited
 was made on the day of , 19 , by the Supreme
 Court of the Australian Capital Territory. The Provisional Liquidator appointed is [name] of
 [address].

[Signed by Petitioner or his Solicitor.]

No. 31 (RULE 45).

N.S.W.
 Form 31.

ORDER FOR SUBSTITUTION OF PETITIONER.

[Title.]

, the day of One thousand nine hundred and .
 UPON the petition of presented to this Court on the
 day of , 19 , coming on to be heard this day [or on the
 day of , 19] before the Honourable Mr. Justice WHEREUPON
 AND UPON HEARING READ the said petition, etc.....AND UPON HEARING,
 etc.....IT IS ORDERED:—

- (1) that be substituted as petitioner;
- (2) that leave be granted to the substituted petitioner to amend the petition generally by
 filing in the Registrar's Office an amended petition verified by the substituted
 petitioner in accordance with Rule 41 mutatis mutandis;
- (3) that an office copy of this Order together with a copy of the amended
 petition be served upon Company in accordance with the requirements of Rule 5.

Rules of the Supreme Court of the Australian Capital Territory

- (4) that notice of the date fixed for the hearing of this amended petition shall be advertised in accordance with the requirements of Rule 24 substituting for the first sentence of Form 11 a sentence in the following terms:—

“Notice is hereby given that the Supreme Court has granted leave to be substituted as the petitioner in a petition presented on the day of _____, 19____, seeking the winding-up of _____ Limited.”

- (5) that all such Rules shall apply and proceedings be taken on the amended petition as if the same had been originally presented by the substituted petitioner.
 (6) that the hearing of the amended petition be adjourned to the day of _____, 19____.
 (7) that the costs of the substituted petitioner of this application shall be the substituted petitioner's costs of the petition.

By the Court,

Registrar.

N.S.W.
Form 32.

 No. 32 (RULE 46).

NOTICE OF WINDING-UP AND PARTICULARS OF LIQUIDATOR.

THE AUSTRALIAN CAPITAL TERRITORY.

THE COMPANIES ORDINANCE, 1962.

(Section 230 (1).)

..... Limited.

To the Registrar of Companies.

Notice is hereby given that, on the _____ day of _____, 19____, an order of the Supreme Court for the winding-up of _____ Limited was made and that [name] of [address] was appointed Liquidator.

Dated this _____ day of _____, 19____.

[Signed by Petitioner or his Solicitor.]

N.S.W.
Form 33.

 No. 33 (RULE 50).

NOTICE OF WINDING-UP ORDER.

[No title is necessary.]

An Order of the Supreme Court of the Australian Capital Territory for the winding-up of _____ Limited was made on the _____ day of _____, 19____, and the undersigned was appointed Official Liquidator of the Company.

[Signed.]

Official Liquidator.

[Address.]

N.S.W.
Form 34.

 No. 34 (RULE 51).

ORDER FOR WINDING-UP BY THE COURT.

[Title.]

_____, the _____ day of _____, 19____.
 UPON THE PETITION of _____ a creditor of the abovenamed Company on the _____ day _____ presented to the Court and coming on to be heard this day before the Honourable Mr. Justice _____ AND UPON READING the said Petition the Affidavit of _____ sworn the _____ day of _____ etc. and the Statement of the Petitioner [or Solicitor for the Petitioner] made pursuant to Rule 23 of the Companies Rules, 1969, and dated the _____ day of _____ and all filed herein AND UPON HEARING Mr. _____ of Counsel for the Petitioner IT IS ORDERED that the abovenamed Company be wound-up by this Court under the provisions of the *Companies Ordinance* 1962-1969, and that [name and address] be constituted Liquidator of the affairs of the said Company AND IT IS FURTHER ORDERED that it be referred to the Registrar or a Deputy Registrar to tax and

certify the costs of the Petitioner of the said Petition And that such costs when so taxed and certified as aforesaid be paid out of the assets of the said Company to the Petitioner or his Solicitor AND IT IS DIRECTED pursuant to sub-section (1.) of section 35A of the *Australian Capital Territory Supreme Court Act 1933-1968* that all proceedings for and in relation to the winding-up shall be had and taken before the Registrar And the Petitioner is to be at liberty to apply as he may be advised.

By the Court,
Registrar.

No. 35 (RULE 54).

N.S.W.
Form 35.

AFFIDAVIT BY SPECIAL MANAGER VERIFYING ACCOUNT.

[Title.]

[Commence as in Form No. 2.]

1. The account hereunto annexed, marked "A" and purporting to be my account as special manager of the estate or business of the abovenamed company, contains a true account of all and every sums and sum of money received by me or by any other person by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every the items and particulars therein contained, according to the best of my knowledge and belief.

Sworn, etc.

No. 36 (RULE 55).

N.S.W.
Form 36.

BOND OF SPECIAL MANAGER AND GUARANTEE COMPANY.

IN THE SUPREME COURT OF
THE AUSTRALIAN CAPITAL
TERRITORY.

No. of 19 .

Ex Parte [name of applicant]

In The Matter of the *Companies Ordinance 1962-1969*. And
In The Matter of Rule 55 of the Rules thereunder.

[Where the security is being given in a particular winding-up
only, the heading should read as in Form No. 1.]

KNOW ALL MEN BY THESE PRESENTS that I [name] of [address] in the Australian Capital Territory [occupation] AND we [name] Company Limited of in the said Territory (hereinafter called "the Company") are jointly and severally held and firmly bound unto the Registrar of the Supreme Court of the Australian Capital Territory in the sum of (\$) of lawful money to be paid unto the said Registrar or his successor or successors in office or the executors or administrators of him or of them or any one of them for which payment well and truly to be made I the said for myself my executors and administrators and every of them and we the Company for ourselves and our successors do bind and oblige ourselves jointly and severally for the whole firmly by these presents. SIGNED SEALED AND DELIVERED by the said and sealed with the seal of the said

Company Limited [or where the bond is to be signed for or on behalf of the Company by its duly authorized Attorney "SIGNED SEALED AND DELIVERED by the said and also by as the duly constituted Attorney of the said Company Limited."]

DATED the day of One thousand nine hundred and

WHEREAS the said Registrar pursuant to the Companies Rules 1969, has approved of the Company as surety for the said special manner in the sum of (\$) and has also approved of the abovementioned bond with the underwritten conditions as a proper security to be entered into by the said and the Company and in testimony of such approbation has signed an allowance in the margins hereof NOW THE CONDITIONS of the abovementioned bond or obligation are such that if the above-bounden his executors or administrators or some or one of them do and shall duly account for what he the said has received or become liable to

pay or account for or shall hereafter receive or become liable to pay or account for as Special Manager of each and every company of which he has already been or shall hereafter be appointed Special Manager by the said Court [or where the security is given in a particular winding-up only, insert the name of the Company] at such period or periods and in such manner as the said Court or the Registrar thereof has appointed or shall hereafter appoint and shall pay transfer and deliver the same as such Court or Registrar has directed or shall hereafter direct and shall faithfully and sufficiently perform and execute from time to time all and singular the duties required of him as Special Manager as aforesaid and shall give immediate notice to the said Court if the Company shall become insolvent or go or be put into liquidation then the abovescribed bond or obligation shall be void, otherwise the same shall subject to the provisions hereinafter contained be and remain in full force and virtue PROVIDED ALWAYS that if default shall be made by the said in paying to the Company on or before the day of in any year of guarantee the annual premium or sum of dollars (\$) then the Company shall at any time after such default in payment be at liberty to apply to the Court to be relieved from all further liabilities as such surety as aforesaid and notice of such application having been served upon such person or persons as the Court shall direct and being finally heard all further liability of the Company as such surety as aforesaid shall from and after the final hearing of such application or from and after such other time as the Court shall direct cease and determine save and except in respect of any loss or damage occasioned by any act or default of the said in relation to his duties as such Special Manager as aforesaid previously to such cesser and determination of liability PROVIDED ALWAYS that a certificate or certificates under the hand of the Registrar for the time being of the amount or value which the said as such Special Manager as aforesaid is liable to pay or account for and has not paid or accounted for shall be sufficient and conclusive evidence against the said his executors and administrators and against the Company and its successors and also as between the Company and its successors and the Registrar for the time being of the truth of the contents of the said certificate or certificates AND that this bond has become forfeited thereby to the amount of the sum or sums stated in such certificate or certificates and shall form a valid and binding charge and claim not only against the said his executors and administrators, but also against the Company and its successors and the funds and property thereof without it being necessary for the Registrar for the time being first to take legal or other proceedings against the said his executors or administrators for the recovery thereof and without any further or other proof being given either by or on the part of the Registrar for the time being in any action suit or proceeding to enforce this bond against the Company or its successors or against the said his executors or administrators or by or on the part of the Company in any action suit or proceeding against the said his executors or administrators of the amount of such damage or loss or that the same has been sustained incurred or occasioned by or through the act or default of the said while in office as Special Manager of any such Company as aforesaid [if the security is given in a particular winding-up only, insert the name of the Company] PROVIDED ALWAYS AND IT IS FURTHER AGREED between the said and the Company that the said shall and will on being appointed Special Manager of any Company [if the security is given in a particular winding-up only, insert the name of the Company] by the said Court forthwith give notice in writing to the Company of such appointment and shall and will on being discharged from his office of or ceasing to act as Special Manager of any Company of which he shall have been appointed Special Manager as aforesaid [if the security is given in a particular winding-up only, insert the name of the Company] forthwith give written notice of such discharge or cesser to the Company and also furnish to it free of charge an office copy of the Order of the Court discharging him from such office AND FURTHER that the said his executors and administrators shall and will from time to time and at all times save defend and keep harmless the Company and its successors and the funds and property thereof from and against all loss and damage costs and expenses which it or they or the funds or property thereof shall or may or otherwise might at any time sustain or be put unto for or by reason or in consequence of the Company having entered into the abovescribed bond for and at the request of the said

IN WITNESS WHEREOF the said has hereunto set his hand and seal and the Company has caused its Common Seal to be hereunto affixed [where the Company's duly constituted Attorney is executing the bond delete "and the Company has caused its Common Seal to be hereunto affixed" and insert "and the said as the duly constituted Attorney of Limited has also hereunto set his hand and seal"] the day and year first abovescribed.

SIGNED SEALED AND DELIVERED
by the said
in the presence of:

Registrar
(or Commissioner in a State)

THE COMMON SEAL of
Company Limited was [complete
attestation clause of surety Company
in conformity with its Articles of
Association]

[or, if the Company's duly
constituted Attorney is executing the
Bond:

SIGNED SEALED AND DELIVERED

by the said
as the duly constituted Attorney of
Limited in
the presence of:]

At the time of the execution of the bond by me as the Attorney of
Limited constituted by Power of Attorney dated the day of
19 , I the within named have not received notice express
or implied oral or in writing of the revocation of the said Power of Attorney. Signed by me
at Canberra at the time of the execution by me of the Bond on
the day of 19 .

Witness:

No. 37 (RULE 55).

N.S.W.
Form 37.

CERTIFICATE THAT SPECIAL MANAGER HAS GIVEN SECURITY.

[Title.]

This is to certify that A.B., of , who was on the day of
, 19 , appointed special manager of the abovenamed company has duly
given security to my satisfaction as required by the Ordinance and the Rules of Court
[or as directed by the Court].

Dated this day of , 19 .

[Signed]
Registrar.

No. 38 (RULE 60).

N.S.W.
Form 38.

FORM OF SUMMONS.

[Title.]

[Commence and conclude as in Form No. 19.]

[Make report and state any orders sought in consecutively numbered paragraphs.]

No. 39 (RULE 63).

N.S.W.
Form 39.

REPORT TO THE COURT (OR REGISTRAR).

[Title.]

I [name of persons making the Report] of [address] being a creditor [or contributory or
the liquidator, etc.] of the abovenamed Company [if a corporation wishes to refer or report
matters, the report should be made by one of its principal officers who should state his
position in the corporation] hereby report the following matters to this Honourable Court:—

1. [State the matters in paragraphs consecutive numbered.]

Dated this day of , 19 .

[Signed]:

N.S.W.
Form 40.

No. 40 (RULE 65).

REPORT OF RESULT OF MEETING OF CREDITORS OR CONTRIBUTORIES.

[Title.]

1. I, A.B., the liquidator [or as the case may be] and chairman of a meeting of the creditors [or contributories] of the abovenamed company, summoned by advertisement in the newspaper of the 19 , and in the Gazette of the 19 , and by notice dated , 19 , at 19 , and held on the day of , 19 , at in the Australian Capital Territory do hereby report the result of such meeting as follows:—

The said meeting was attended, either personally or by proxy, by [state number] creditors whose proofs of debt against the said company were admitted for voting purposes, amounting in the whole to the value of \$ [or by [state number] contributories, holding in the whole shares in the said company, and entitled respectively, by the regulations of the company to votes].

The question submitted to the said meeting was [state the proposal submitted to the meeting].

The said meeting was unanimously of opinion that the said proposal should [or: should not] be adopted [or: the result of the voting upon such question was as follows:—here set out the total number and value of the creditors or the total number and voting power of the contributories voting for and against each resolution].

Dated this day of , 19 .

[Signed] A.B.,
Chairman.

N.S.W.
Form 41.

No. 41 (RULES 69 AND 91).

CERTIFICATE OF LIQUIDATOR OF RESOLUTION OF MEETING OF COMMITTEE OF INSPECTION (OR CREDITORS OR CONTRIBUTORIES)

[Title.]

Pursuant to the Rules I , the undersigned, being the liquidator of the abovenamed company, hereby certify that the document attached hereto and marked "A" is a true copy of the resolution of a meeting of the Committee of Inspection [or creditors or contributories] of the abovenamed company held at on the day of , 19 .

Dated this day of , 19 .

[Signed]
Liquidator.

N.S.W.
Form 42.

No. 42 (RULE 30).

NOTICE BY LIQUIDATOR OF RESIGNATION FROM OFFICE.

..... Limited.

To the Registrar of Companies.

I, , of , hereby give notice that on the day of , 19 , I* resigned/*was removed/from the office of liquidator of Limited.

[Signed]
Liquidator.
[Address]

* Strike out whichever is inapplicable.

No. 43 (RULE 84).

N.S.W.
Form 43.

NOTICE OF MEETING (GENERAL FORM).

[Title.]

Take notice that a meeting of creditors [or contributories] in the above matter will be held
at _____ on the _____ day of _____, 19____, at
o'clock in the _____ noon.

Agenda.

[Here insert purpose for which meeting is called.]

[If the meeting is a meeting of creditors, add, if appropriate:—

You may not be entitled to vote at the meeting unless either you have lodged with the liquidator a proof of debt that has been admitted in whole or in part or the liquidator has admitted your debt or claim without requiring formal proof.]

Dated this _____ day of _____, 19____.

[Signed by the person summoning the meeting.]

[Address]

Form of proxy is enclosed. Proxies to be used at the meeting must be lodged with
_____, at _____ in the Australian Capital Territory, not
later than _____ o'clock in the _____ noon on the _____ day of
_____, 19____.

No. 44 (RULE 84).

N.S.W.
Form 44.

NOTICE OF MEETINGS OF CREDITORS (OR CONTRIBUTORIES).

[Title.]

Notice is hereby given that a meeting of creditors [or contributories] in the above matter
will be held at _____ on the _____ day of _____, 19____,
at _____ o'clock in the _____ noon.

[If the meeting is a meeting of creditors, add, if appropriate:—

You may not be entitled to vote at the meeting unless either you have lodged with the liquidator a proof of debt that has been admitted in whole or in part or the liquidator has admitted your debt or claim without requiring formal proof.]

Proxies to be used at the meeting must be lodged with the undersigned at
in the Australian Capital Territory, not later than _____ o'clock in the
noon on the _____ day of _____, 19____.

[Signed by the person summoning the meeting.]

[Address]

No. 45 (RULE 85).

N.S.W.
Form 45.

NOTICE TO DIRECTORS AND OFFICERS OF COMPANY TO ATTEND MEETING OF
CREDITORS OR CONTRIBUTORIES.

[Title.]

Take notice that a meeting of creditors [or contributories] will be held on the
day of _____, 19____, at _____ a.m. [or p.m.] at [here insert place
where meeting will be held], and that you are required to attend thereat, and give such
information as the meeting may require.

Dated this _____ day of _____, 19____.

[Signed by the person summoning the meeting.]

[Address]

To

[Insert name of person to attend.]

This notice is given pursuant to Rule 85 of the Companies Rules 1969, which imposes on you an obligation to attend the meeting. If you fail to attend, such failure will be reported to the Supreme Court.

N.S.W.
Form 46.

No. 46 (RULE 86).

AFFIDAVIT OF POSTAGE OF NOTICES OF MEETING.

[Title.]

[Commence as in Form No. 2.]

1. I did, on the _____ day of _____, 19____, send to each creditor mentioned in the company's statement of affairs [or to each contributory mentioned in the Register of Members of the company] a notice of the time and place of the [insert here a description of the meeting] in the form hereunto annexed marked "A".

2. [creditors] The said notices were addressed to the creditors according to their respective names and addresses appearing in the statement of affairs of the company or to their last known addresses.

or,

2. [contributories] The said notices were addressed to the contributories according to their respective names and registered or last known addresses appearing in the register of the company.

3. I sent the said notices by putting the same prepaid into the post office at _____, before the hour of _____ o'clock in the _____ noon of the said day.

Sworn, etc.

N.S.W.
Form 47.

No. 47 (RULE 100).

LIST OF CREDITORS [OR CONTRIBUTORIES] TO BE USED AT EVERY MEETING.

[Title.]

Meeting held at _____, this _____ day of _____, 19____.

| Consecutive Numbers | Name of Creditor or Contributory | REPRESENTED BY— Signature of person attending | Amount of proof lodged* |
|---------------------|----------------------------------|--|-------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |

* In case of contributories, insert "Number of shares" and "Number of votes" according to the regulations of the company.

N.S.W.
Form 48.

No. 48 (RULE 102).

PROXY.

[Title.]

I/We, _____ of _____ a creditor [or contributory] of the abovenamed company hereby appoint [insert name and address](1) or failing him [insert name and address] to be my/our proxy to vote at the meeting of creditors [or contributories], to be held in the above matter on the _____ day of _____, 19____, or at any adjournment thereof.

Dated this _____ day of _____, 19____.

[Signed](2)

NOTES.

(1) The person appointed proxy may be the Liquidator or such other person as the creditor (or contributory) may approve, and the proxy form, when signed, must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.

(2) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm". If the appointor is a corporation, then the form of proxy must be under its Common Seal or under the hand of some officer duly authorized in that behalf, and the fact that the officer is so authorized must be stated thus:—

For the Company.

J.S. (duly authorized under the seal of the Company).

No. 49 (RULE 110).

N.S.W.
Form 49.

ORDER DIRECTING A PUBLIC EXAMINATION.

[Title.]

UPON READING the reports of the liquidator in the above matter, dated, respectively, the _____ day of _____, 19____, and _____ IT IS ORDERED that the several persons whose names and addresses are set forth in the schedule hereto do attend before _____ at _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company, and as to their conduct and dealings as officers of the company.

THE SCHEDULE REFERRED TO.

| Name | Address | Connection with the Company |
|------|---------|-----------------------------|
| | | |
| | | |
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| | | |

By the Court,
Registrar.

No. 50 (RULE 111).

N.S.W.
Form 50.

NOTICE TO ATTEND PUBLIC EXAMINATION.

[Title.]

Whereas by an order of the Court made on the _____ day of _____, 19____, it was ordered that you, the undermentioned _____, should attend before _____ at _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company [insert if appropriate and as to your conduct and dealings as an officer of the company] and as to the following special matters: [state them].

Notice is hereby given that you are required to attend at the said time and place, and at any adjournments of the examination which may be ordered, and to bring with you and produce all books and papers in your custody or power relating to the abovenamed company.

And take notice that if you fail, without reasonable excuse, to attend at such time and place, and all the adjournments of the said public examination which may be ordered, you will be liable to be committed to prison without further notice.

Dated this _____ day of _____, 19____.
To [Name]

[Signed.]

[Address]

Liquidator.

No. 51 (RULE 112).

N.S.W.
Form 51.

ADVERTISEMENT OF HOLDING OF PUBLIC EXAMINATION.

[Title.]

[Names and addresses of persons to be examined] will be publicly examined before the Honourable Mr. Justice _____ [or The Registrar of the Supreme Court of the Australian Capital Territory] at No. _____ Court _____ of the Supreme Court of the Australian Capital Territory, Canberra, on the _____ day of _____, 19____, at _____ o'clock in the _____ noon.

Dated this _____ day of _____, 19____.

[Signed.]

Liquidator.

N.S.W.
Form 52.

No. 52 (RULE 114).

REASONS FOR EXAMINATION UNDER SECTION 249.

[Title.]

I [name of liquidator] of [address] being the liquidator of the abovenamed company request that [name of person whose examination is sought] of [address and occupation] being a [state if a director or officer of the company; if not, state his relationship to the company] of the company, be examined before (the Registrar) for the following reasons:—[Here state briefly in consecutively numbered paragraphs the reasons for the examination being sought].

I request that the said be required to produce all books and papers in his custody or power relating to the company [or as the case may be].

Dated this

day of

, 19

[Signed.]

Liquidator.

N.S.W.
Form 53.

No. 53 (RULE 114).

SUMMONS FOR AN ORDER THAT PERSONS BE SUMMONED FOR EXAMINATION UNDER SECTION 249.

[Title.]

[Commence as in Form 19.]

for the following orders:—

1. That X and Y be summoned before the Court for examination pursuant to section 249 of the *Companies Ordinance* 1962.

2. That each of the said X and Y be required to produce all books and papers which they and each of them respectively have in their custody or power relating to [name of company].

3. That such examinations including any adjourned or continued examinations be held before the Registrar at such times and places as the Registrar may from time to time appoint.

4. That for the purposes aforesaid the applicant be at liberty to file and obtain the issue of a summons directing the said X and Y to attend for such examination before the Registrar and requiring the said X and Y and each of them to bring with them and to produce at the time and place appointed all books and papers which they and each of them respectively have in their custody or power relating to the abovenamed company.

5. That the applicant be at liberty to apply without notice for any further order for the exercise by the Court in the winding-up of the abovenamed company of the powers of the Court under section 249 of the said Ordinance.

6. That the applicant be at liberty to retain out of the assets of the abovenamed company as part of the costs and expenses of the winding-up his costs and expenses of and incident to this application and the examinations before the said Registrar except so much (if any) of the costs of the examination as the Judge or the Registrar shall be of opinion ought not having regard to any special circumstances to be borne out of the assets of the abovenamed company. AND for such further or other Order or Orders as to His Honour may seem fit upon the grounds appearing (*inter alia*) in and by the affidavit of

to be sworn and filed herein.

[Conclude as in Form 19.]

N.S.W.
Form 54.

No. 54 (RULE 114).

AFFIDAVIT SHOWING REASONS FOR EXAMINATION UNDER SECTION 249.

[Title.]

[Commence as in Form No. 2.]

1. I am [state whether creditor or contributory. If a creditor state the amount of the debt; whether secured or unsecured; if secured state the nature of the security; whether proof has been lodged and admitted.

If a contributory state number and class of shares held; whether such shares are fully paid up].

2. 3. 4. etc. [here state briefly in consecutively numbered paragraphs the reasons for the examination being sought].

5. [If it is sought to require the production of books and papers relating to the company proceed as in Form 52].

Sworn, etc.

No. 55 (RULE 114).

N.S.W.
Form 55.

ORDER FOR EXAMINATION UNDER SECTION 249 AND FOR LEAVE TO ISSUE SUMMONS.

[Title.]

the day of One thousand nine hundred and
UPON APPLICATION made herein this day on behalf of
the Voluntary Liquidator [or Special Manager—as the case may be] of [name of company] in pursuance of summons filed herein the day of One thousand nine hundred and
WHEREUPON AND UPON READING the said summons and the affidavit of sworn the day of , 19 ,
and filed herein AND UPON HEARING what was alleged by Mr.
for the applicant IT IS ORDERED that X and Y be summoned before the Court for examination pursuant to section 249 of the *Companies Ordinance* 1962-1969, and that each of the said X and Y be required to produce all books and papers which they and each of them respectively have in their custody or power relating to [name of company] AND IT IS DIRECTED that such examination[s] be held before me on the day of , 19 [or that such examinations including any adjourned or continued examinations be held before the Registrar at such times and places as the Registrar may from time to time appoint] AND IT IS FURTHER ORDERED that for such purposes the applicant be at liberty to file and obtain the issue of a summons directing the said X and Y to attend for such examination before me [or before the Registrar] and requiring the said X and Y and each of them to bring with them and to produce at the time and place appointed all books and papers which they and each of them respectively have in their custody or power relating to the abovenamed company AND IT IS FURTHER ORDERED that the applicant be at liberty to apply without notice for any further order for the exercise by the Court in the winding-up of the abovenamed company of the powers of the Court under section 249 of the said Ordinance AND IT IS FURTHER ORDERED that the applicant be at liberty to retain out of the assets of the abovenamed company as part of the costs and expenses of the winding-up his costs and expenses of and incident to this application and the examinations before the Registrar except so much [if any] of the costs of the examination as the Registrar shall be of opinion ought not having regard to any special circumstances to be borne out of the assets of the abovenamed company AND all parties are to be at liberty to apply as they may be advised.

By the Court,
Registrar.

No. 56 (RULE 115).

N.S.W.
Form 56.

SUMMONS FOR EXAMINATION UNDER SECTION 249.

[Title.]

PURSUANT TO Order made herein by the Honourable Mr. Justice a Judge of the Supreme Court [or by the Registrar of the Supreme Court] on the day of , 19 [full name of person to be examined] of [address] and [add names and addresses of other persons, if any, to be examined] IS or, ARE AND EACH OF YOU IS HEREBY SEVERALLY SUMMONED to attend before the Honourable Mr Justice a Judge of the Supreme Court or the Registrar of the Supreme Court at No. Court , Supreme Court, Canberra, on the day of , 19 . at the hour of o'clock in the noon or so soon thereafter as the course of the Court's business will permit and thenceforward from day to day to be examined pursuant to section 249 of the *Companies Ordinance* 1962-1969 [where appropriate add] AND the said is [are and each of them is] hereby required to bring with him [them] and to produce at the place and time aforesaid all books and papers which he [they and each of them] may [respectively] have in his [their] custody or power relating to the abovenamed company.

Dated this day of , 19 .

This summons is taken out by
the solicitor for
abovenamed company.
of
the liquidator [or special manager] of the

N.S.W.
Form 57.

No. 57 (RULE 118).

REPORT TO THE COURT WHERE PERSON EXAMINED FAILS OR REFUSES TO ANSWER TO SATISFACTION OF THE REGISTRAR.

[Title.]

At the examination of A.B. a person ordered to attend for examination before me pursuant to s. 249 of the *Companies Ordinance* 1962-1969, this day of 19 , the following question was allowed by me to be put to him.

Q. [Here state question].

A.B. failed to answer the said question [or]

A.B. refused to answer the said question [or]

A.B. answered the said question as follows:—

A. [Here insert answer]

I therefore report such failure to answer [or refusal to answer] [or answer] to the Honourable Mr. Justice

Dated this day of , 19 . [Signed]

N.S.W.
Form 58.

No. 58 (RULE 119).

WARRANT FOR APPREHENSION OF PERSON WHO FAILS TO ATTEND EXAMINATION

[Title.]

To the Sheriff of the Australian Capital Territory,
and his officers

WHEREAS by evidence taken by oath, it has been made to appear to the satisfaction of the Court that of has been duly served with a summons to attend on the day of , 19 , at and be examined before pursuant to the provisions of section 249 of the *Companies Ordinance* 1962-1969 [or, that by Order of the Court dated the day of , 19 , and directed to he was directed to attend personally on the day of , 19 , at the and be examined before pursuant to the provisions of section 250 of the *Companies Ordinance* 1962-1969, and that the said order has been duly served upon the said].

AND WHEREAS the said did without good cause or reasonable excuse fail to attend on the said day of , 19 , for the purpose of being examined pursuant to the said summons [or order] [or, AND WHEREAS there is probable cause to believe that the said has absconded or is about to abscond for the purpose of avoiding the said examination].

You are and each of you is therefore commanded forthwith to apprehend the said and to bring him to this Court now held before me to be examined pursuant to the abovementioned provisions of the *Companies Ordinance* 1962-1969, and to cause him to be detained in safe custody until he shall be discharged from there by due course of law.

GIVEN under my hand this day of , 19 .

Judge.

N.S.W.
Form 59.

No. 59 (RULE 121).

DISCLAIMER OF LEASE

[Title.]

Pursuant to an order of the Court dated the day of , 19 , I, , the liquidator of the abovenamed company, hereby disclaim all interest in the lease dated the day of , 19 , [reference, if lease is registered] , whereby the premises [description of property disclaimed] were demised by to at a rent of \$ per annum for a term of . Notice of this disclaimer has been given to .

Dated this day of , 19 .

Liquidator.

No. 60 (RULE 121).
NOTICE OF DISCLAIMER OF LEASE

N.S.W.
Form 60.

[Title.]

Take notice that pursuant to an order of the Court dated the _____ day of _____, 19____, I, _____, the liquidator of the abovenamed company, by writing dated the _____ day of _____, 19____, disclaimed all interest in the lease dated the _____ day of _____, 19____, [reference if lease is registered] _____, whereby the premises [description of property disclaimed] _____ were demised by _____ to _____ at a rent of \$ _____ per annum for a term of _____.

The abovementioned disclaimer has been filed in the office of the Registrar.

Dated this _____ day of _____, 19____.

[Signed]
Liquidator.

To [Name]
[Address]

No. 61 (RULE 126).
NOTICE BY LIQUIDATOR REQUIRING PAYMENT OF MONEY OR DELIVERY OF BOOKS, &c., TO LIQUIDATOR .

N.S.W.
Form 61.

[Title.]

Take notice that I [name] have been appointed liquidator of the abovenamed company, and that you are required, within _____ days after service hereof, to pay to me [or deliver, convey, surrender, or transfer into my hands], as such liquidator, at my office, situate at [address] \$ _____, being the amount of debt appearing to be due from you on your account with the said company [or any money, property, books or papers; or, specifically describe the property] now being in your hands, and to which the said company is entitled [or otherwise, as the case may be].

Dated this _____ day of _____, 19____.

[Signed]
Liquidator.

To [Name]
[Address]

No. 62 (RULE 127).
STATEMENT OF CONTRIBUTORIES.

N.S.W.
Form 62.

[Title.]

The following is a list of the contributories of the company made out by me from the books and papers of the company, together with their respective addresses and the number and class of shares held by each and the amount paid up or credited as paid up in respect of such shares so far as I have been able to make out or ascertain the same. It is not necessary for a list of contributories to be settled formally.

| Name | Address | Description | Number of Shares | Class of Shares | Amount paid up or credited as paid up at date of commencement of winding-up |
|------|---------|-------------|------------------|-----------------|---|
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Dated this _____ day of _____, 19____.

[Signed]
Liquidator.

PROVISIONAL LIST OF CONTRIBUTORIES TO BE MADE OUT BY LIQUIDATOR.

[Title.]

The following is a list of members of the company to be placed on the list of its contributories made out by me from its books and papers together with the respective addresses of, and the number of shares [or extent of interest] to be attributed to each member, and the amount called up and the amount paid up in respect of such shares [or interest] so far as I have been able to make out or ascertain the same.

First Part.

Contributories in their own right.

| Serial No. | Name | Address | Description | Number of shares (or extent of interest) | Amount called up at date of commencement of winding-up | Amount paid up at date of commencement of winding-up |
|------------|------|---------|-------------|--|--|--|
| | | | | | | |

Second Part.

Contributories as being Representatives of, or Liable for the debts of, others.

| Serial No. | Name | Address | Description | In what character included | Number of shares (or extent of interest) | Amount called up at date of commencement of winding-up | Amount paid up at date of commencement of winding-up |
|------------|------|---------|-------------|----------------------------|--|--|--|
| | | | | | | | |

Dated this day of , 19 .

[Signed]

Liquidator.

NOTICE TO CONTRIBUTORIES OF APPOINTMENT TO SETTLE LIST OF
CONTRIBUTORIES.

[Title.]

Take notice that as the liquidator of the abovenamed company, I have appointed the _____ day of _____, 19____, at _____ o'clock in the _____ noon, at [insert place of appointment], in the Australian Capital Territory, to settle the list of the contributories of the abovenamed company, made out by me, pursuant to the *Companies Ordinance* 1962-1969, and the Rules of Court, and that you are included in such list. The character and the number of shares [or extent of interest] in and for which you are included

Rules of the Supreme Court of the Australian Capital Territory

and the amount called up and the amount paid up in respect of such shares [or interest] are stated below; if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled, including you therein.

Dated this day of , 19 .

[Signed]

Liquidator.

To [Name and address of contributory or his solicitor]

| Serial No. | Name | Address | Description | In what character included | Number of shares (or extent of interest) | Amount called up at date of commencement of winding-up | Amount paid up at date of commencement of winding-up | Amount unpaid at date of commencement of winding-up |
|------------|------|---------|-------------|----------------------------|--|--|--|---|
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NOTE.—Contributories are under no obligation to attend the appointment referred to in the above notice if they are satisfied that the particulars contained in the notice are correct.

A shareholder's name cannot be omitted from the List of Contributories on account of his inability to pay calls; this question will be dealt with when application is made for payment of the calls.

A change of address may be notified by giving the liquidator notice thereof by post before the date fixed for the appointment.

No. 65 (RULE 129).

AFFIDAVIT OF POSTAGE OF NOTICES OF APPOINTMENT TO SETTLE LIST OF CONTRIBUTORIES.

N.S.W.
Form 65.

[Commence as in Form No. 2.]

1. I did on the day of , 19 , send to each contributory mentioned in the liquidator's provisional list of contributories and dated the day of , 19 , at the address appearing in such list, a notice of the time and place of the appointment to settle the list of contributories in the form hereunto annexed, marked "A".

2. In the tabular form at the foot of such notices respectively, I inserted the number, name, address, description, in what character included, number of shares or extent of interest, the amounts called up, paid up, and unpaid, in respect of the shares [or interest] of the person on whom the respective copy of the said notice was served.

3. I sent the said notices by putting the same prepaid into the post office at before the hour of o'clock in the noon on the day first mentioned in paragraph 1 hereof.

Sworn, etc.

No. 66 (RULE 130).

CERTIFICATE OF LIQUIDATOR OF FINAL SETTLEMENT OF THE LIST OF CONTRIBUTORIES.

N.S.W.
Form 66.

[Title.]

Pursuant to the Companies Ordinance 1962, and the Rules of Court, I, the undersigned liquidator of the abovenamed company, hereby certify that the result of the settlement of the list of contributories of the abovenamed company is as follows:—

1. The several persons named in the second column of the First Schedule hereto have been included in the said list of contributories as contributories of the said company in respect of the number of shares or extent of interest set opposite their respective names. I have distinguished in the first part of the schedule, contributories in their own right and in the second part of the schedule, contributories being representatives of or liable for the debts of others.

2. The several persons named in the second column of the Second Schedule hereto were included in the provisional list of contributories, but have been excluded from the settled list of contributories.

Rules of the Supreme Court of the Australian Capital Territory

3. I have, in the sixth column of the first part of the First Schedule and in the seventh column of the second part of the First Schedule and in the seventh column of the Second Schedule, set forth opposite the name of each of the several persons respectively the date when such person was included in or excluded from the said list of contributories.

4. I have, in the seventh and eighth columns of the first part of the First Schedule hereto and in the eighth and ninth columns of the second part of the said schedule, set forth opposite the names of each of the said persons respectively the amount called up at the date of the commencement of the winding-up and the amount paid up at such date in respect of their shares [or interest].

5. Before settling the said list, I was satisfied by the affidavit of clerk to _____, filed with the proceedings herein, that notice was duly sent by post to each of the persons mentioned in the said list, informing him that he was included in such list in the character and for the shares or interest stated therein, and of the day appointed for finally settling the said list.

First Schedule Above Referred to.

First Part.—Contributories in their own right.

| Serial No. | Name | Address | Description | Number of shares (or extent of interest) | Date when included in the list | Amount called up at date of commencement of winding-up | Amount paid up at date of commencement of winding-up |
|------------|------|---------|-------------|--|--------------------------------|--|--|
| | | | | | | | |

Second Part.—Contributories as being Representatives of, or Liable for the Debt of Others.

| Serial No. | Name | Address | Description | In what character included | Number of shares (or extent of interest) | Date when included in the list | Amount called up at date of commencement of winding-up | Amount paid up at date of commencement of winding-up |
|------------|------|---------|-------------|----------------------------|--|--------------------------------|--|--|
| | | | | | | | | |

Second Schedule Above Referred to.

| Serial No. | Name | Address | Description | In what character proposed to be included | Number of shares (or extent of interest) | Date when excluded from the list |
|------------|------|---------|-------------|---|--|----------------------------------|
| | | | | | | |

Dated this _____ day of _____, 19 ____.

[Signed]

Liquidator.

N.S.W.
Form 70.

No. 70 (RULE 132).

AFFIDAVIT OF SERVICE OF NOTICE TO CONTRIBUTORY.

[Title.]

[Commence as in Form No. 2.]

1. I did, on the _____ day of _____, 19____, serve a true copy of the notice hereunto annexed and marked "A", upon each of the respective persons named in the First Schedule to the list of contributories of the said company made out by the Liquidator of the said company on the _____ day of _____, 19____, and now on the file of proceedings of the said company. In the tabular form at the foot of such copies respectively I inserted the same particulars under the respective headings as are set forth in the said Schedule.

2. I served the said respective copies by putting them into envelopes addressed to the said persons severally according to their respective names and addresses appearing in the said schedule, and by placing the same prepaid in the post office at _____ before the hour of _____ o'clock in the _____ noon of the day first mentioned in paragraph 1 hereof.

Sworn, etc.

N.S.W.
Form 71.

No. 71 (RULE 133).

ORDER ON APPLICATION TO VARY LIST OF CONTRIBUTORIES.

[Title.]

UPON THE APPLICATION of W.N., by summons dated _____ day of _____, 19____, for an order that the list of contributories of the company and the liquidator's certificate finally settling the same be varied by excluding the name of the applicant therefrom [*or, as the case may be*], AND UPON HEARING, &c., AND UPON READING, &c. IT IS ORDERED that the list of contributories of the company and the liquidator's certificate finally settling the same be varied by excluding the name of the said W.N. from the said list of contributories, or by including the name of the said W.N. as a contributory in the said list for _____ shares [*or, as the case may be*] [*or* the Court does not think fit to make any order on the said application, except that the said W.N. do pay to A.B., the liquidator of the said company, his cost of this application, such costs to be taxed].

By the Court,
Registrar.

N.S.W.
Form 72.

No. 72 (RULE 135).

NOTICE TO EACH MEMBER OF COMMITTEE OF INSPECTION OF MEETING FOR SANCTION OF PROPOSED CALL.

[Title.]

Take notice that a meeting of the Committee of Inspection of the above Company will be held at _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, for the purpose of considering and obtaining the sanction of the Committee to a call of \$ _____ per share proposed to be made by the Liquidator on the contributories.

Annexed hereto is a statement showing the necessity for the proposed call and the amount required.

Dated this _____ day of _____, 19____.

[Signed.]

Liquidator.

[NOTE:—The date of the meeting should be not less than seven days from the date when the notice will in course of post reach the person to whom it is addressed.]

To [Name]
[Address]

STATEMENT.

1. The amount due in respect of proofs admitted against the Company, and the estimated amount of the costs, charges and expenses of the winding-up, form in the aggregate \$ _____ or thereabouts.

2. The assets of the Company are estimated to realize \$ _____. There are no other assets, except amounts due from certain contributories unlikely to realize more than \$ _____.

3. The list of contributories has been duly settled, and _____ persons have been settled on the list in respect of the total number of _____ shares.

4. To satisfy the debts and liabilities of the Company, and pay the costs, charges and expenses of the winding-up, I estimate that \$ _____ will be required in addition to the proceeds of the realization of the Company's assets hereinbefore mentioned.

5. To provide the said sum of \$ _____ it is necessary to make a call on the contributories amounting to \$ _____ per share.

[Annex tabular statements showing amounts of debts, costs, &c., and of assets.]

No. 73 (RULE 135).

ADVERTISEMENT OF MEETING OF COMMITTEE OF INSPECTION TO SANCTION PROPOSED CALL.

N.S.W.
Form 73.

[Title.]

Notice is hereby given that the undermentioned Liquidator of the abovenamed Company proposed that a call should be made on all the contributories of the said Company [*or as the case may be*], of \$ _____ per share, and that he has summoned a meeting of the Committee of Inspection of the Company, to be held at _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, to obtain their sanction to the proposed call.

Each contributory may attend the meeting, and be heard or make any communication in writing to the Liquidator or the members of the Committee of Inspection in reference to the intended call.

A statement showing the necessity of the proposed call and the purpose for which it is intended may be obtained on application to the Liquidator at his office at [address].

Dated this _____ day of _____, 19____.

[Signed.]

Liquidator.

No. 74 (RULE 135).

RESOLUTION OF COMMITTEE OF INSPECTION SANCTIONING CALL.

N.S.W.
Form 74.

[Title.]

Resolved, that a call of \$ _____ per share be made by the Liquidator on all the contributories of the Company [*or, as the case may be*].

Dated this _____ day of _____, 19____.

[Signed.]

Members of the Committee of Inspection.

No. 75 (RULE 136).

SUMMONS FOR LEAVE TO MAKE A CALL.

N.S.W.
Form 75

[Title.]

Let the several persons whose names and addresses are set forth in the second column of the schedule hereto, being contributories of the abovenamed company, as shown in the third column of the said schedule, attend at the Supreme Court of the Australian Capital Territory, Canberra, before the Honourable Mr. Justice _____, on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, on the hearing of an application on the part of the liquidator of the company for an order that he may be at liberty to make a call to the amount of \$ _____ per share on all the contributories [*or, as the case may be*] of the said company.

Dated this _____ day of _____, 19____.

Registrar.

This summons was taken out by _____, of _____, Solicitor for [name] of [address] the liquidator.

NOTE:—If you do not attend either in person or by your solicitor, at the time and place abovementioned, such order will be made and proceedings taken as the Court may think just and expedient.

SCHEDULE.

| Serial No. | Name and Address | In what character included | Amount due |
|------------|------------------|----------------------------|------------|
| | | | |

N.S.W.
Form 76.

No. 76 (RULE 136).

ADVERTISEMENT OF APPLICATION FOR LEAVE TO MAKE A CALL.

[Title.]

Notice is hereby given that an application will be made to the Supreme Court on the day of , 19 , at o'clock in the noon, at Court, , for leave to make a call on all the contributories of the said company [*or, as the case may be*], and that the liquidator of the said company proposes that such call shall be for \$ per share. All persons interested are entitled to attend at such day, hour, and place to offer objections to such call.

Dated this day of , 19 .

[Signed.]
Liquidator.

N.S.W.
Form 77.

No. 77 (RULE 136).

AFFIDAVIT OF LIQUIDATOR IN SUPPORT OF PROPOSAL FOR CALL.

[Title.]

[Commence as in Form No. 2.]

1. In the schedule annexed hereto and marked "A", I set forth a statement showing the amount due in respect of the debts proved and admitted against the said company, and the estimated amount of the costs, charges, and expenses of and incidental to the winding-up of the affairs thereof, which several amounts form in the aggregate \$, or thereabouts.
2. I also set forth in schedule "A" a statement of the assets in hand belonging to the said company, which amount to \$. There are no other assets belonging to the company, except amounts due from certain of the contributories thereof and I believe that these will realise \$, or thereabouts.
3. [Number] persons have been settled by me on the list of contributories of the said company in respect of the total number of shares.
4. To satisfy the debts and liabilities of the company and pay the costs, charges, and expenses of and incidental to its winding-up, I believe \$ will be required in addition to the proceeds of the realization of the assets of the said company mentioned in schedule "A" and the amounts referred to in paragraph 2 hereof.
5. To provide \$ [*as in* 4], it is necessary to make a call upon the persons settled on the list of contributories, and, having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that a call of \$ per share should be made.

Sworn, etc.

No. 78 (RULE 136).
ORDER GIVING LEAVE TO MAKE A CALL.

N.S.W.
Form 78.

[Title.]

UPON APPLICATION by the liquidator of the abovenamed company made this day, AND UPON READING the summons filed herein on the day of , 19 , the order to wind-up the said company, the list of contributories of the said company and the liquidator's certificate of the final settlement of the same dated , 19 , the affidavit of the said liquidator, sworn the day of , 19 , and the exhibit marked "A" therein referred to, and the affidavit of sworn the day of , 19 .

IT IS ORDERED that leave be given to the liquidator to make a call of \$ per share on all the contributories of the said company [or, as the case may be].

AND IT IS FURTHER ORDERED that each such contributory do, on or before the day of , 19 , pay into the [insert name of Bank] to the account of the liquidator of the company [or, as the case may be] the amount which will be due from him or her in respect of such call.

By the Court,
Registrar.

No. 79 (RULE 136).
DOCUMENT MAKING A CALL.

N.S.W.
Form 79.

[Title.]

I, the liquidator of the abovenamed company, in pursuance of [an order of Court or resolution of the committee of inspection] made [or passed] on the day of , 19 , hereby make a call of \$ per share on all the contributories of the company, which sum is to be paid into the [insert name of Bank] to my account as liquidator of the company [or, as the case may be] on or before the day of , 19 .

Dated this day of , 19 .

[Signed.]
Liquidator.

No. 80 (RULE 137).
NOTICE OF CALL SANCTIONED BY COMMITTEE OF INSPECTION TO BE SENT TO CONTRIBUTORY.

N.S.W.
Form 80.

[Title.]

Take notice that the committee of inspection, in the winding-up of this company, have sanctioned a call of \$ per share on all the contributories of the company.

The amount due from you in respect of the call is \$. This sum should be paid by you into the [insert name of Bank] to my account as liquidator of the company [or, as the case may be] on or before the day of , 19 .

Dated this day of , 19 .

[Signed.]
Liquidator.

To Mr [Name]
[Address]

NOTE:—If you do not pay the sum due from you by the date mentioned, interest will be claimed on such sum at the rate of 4 per cent. per annum from the said date until payment.

No. 81 (RULE 137).
NOTICE TO BE SERVED WITH THE ORDER SANCTIONING A CALL.

N.S.W.
Form 81.

[Title.]

Take notice that the amount due from you in respect of the call made pursuant to leave given by the within order is \$, which is to be paid by you into the [insert name of Bank] to my account as liquidator of the company [or, as the case may be].

In default of payment, interest at the rate of 4 per cent. per annum will be charged upon the amount unpaid from the day of , 19 , until payment.

Dated this day of , 19 .

[Signed.]
Liquidator.

To [Name]
[Address]

NO. 82 (RULE 138).

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ORDER FOR PAYMENT OF CALL.

[Commence as in Form No. 2.]

1. None of the contributories of the said company, whose names are set forth in the schedule hereto annexed, marked "A", has paid or caused to be paid the sum set opposite their respective names in the said schedule, which sums are the amounts now due from them respectively under the call of \$ _____ per share, dated the _____ day of _____, 19____, duly made under the *Companies Ordinance* 1962-1969, in pursuance of the order of the Court [or resolution of the Committee of Inspection] made [or passed] herein on the _____ day of _____, 19____.

2. The amounts set opposite the names of such contributors respectively in such schedule are the true amounts due and owing by such contributors respectively under the said call.

3. I estimate the amount properly due from each contributory for the costs of this application and carrying it into effect to be the amount set opposite his name in the last column of the schedule hereto, and in so doing I have apportioned the general costs of the application equally among all the contributories.

Sworn, etc.

"A."

The Schedule above Referred to.

| Serial No. | Name | Address | Description | In what character included | Amount due | Proportion of costs |
|------------|------|---------|-------------|----------------------------|------------|---------------------|
| | | | | | | |

NOTES—In addition to the above affidavit, proof of due compliance with Rules 134 and 135 will be required in cases in which the committee of inspection has authorized a call to be made.

No. 83 (RULE 139).

ORDER FOR PAYMENT OF CALL DUE FROM A CONTRIBUTORY.

[Title.]

UPON THE APPLICATION of [insert name] the liquidator of the abovenamed company
AND UPON READING the summons herein dated the _____ day of _____,
19____, and the affidavit of the liquidator, sworn the _____ day of _____,
19____, AND UPON HEARING, &c., IT IS ORDERED that C.D., of, &c. [or E.F., of, &c.,
_____, the legal personal representative of L.M., late of, &c., _____,
(deceased)], one of the contributories of the said company [or if against several contributories,
the several persons named in the second column of the schedule to this order, being respectively
contributories of the said company], do, on or before the _____ day of _____,
19____, or subsequently within four days after service of this
order, pay into the [insert name of Bank] to the account of the said [insert name] as liquidator
of the company [or, as the case may be] the sum of \$ _____ [if against a legal personal
representative add, out of the assets of the said L.M., deceased, in his hands as such legal
personal representative as aforesaid, to be administered in due course of administration, if
the said E.F. has in his hands so much to be administered, or, if against several contributories,
the several sum of money set opposite to the respective names in the sixth column of the
said schedule hereto], such sum [or sums] being the amount [or amounts] due from the said
C.D. [or L.M. or the said several persons respectively] in respect of the call of \$ _____
per share duly made, dated the _____ day of _____, 19____.

AND IT IS ORDERED that the said several persons do, within the like period, pay into the said [Bank] to the said account interest at the rate of eight dollars per centum per annum on the amounts specified in the sixth column of the said schedule from the to the date of payment.

AND IT IS ORDERED that the said several persons do within the like period, pay into the said [Bank] to the said account the several sums set opposite their respective names in the seventh column of the said schedule, such sums being the proportion of the applicant's costs of the said application payable by such several persons respectively.

[Add appropriate paragraphs as to amounts payable by legal personal representatives (if any).]

The Schedule Referred to in the Foregoing Order.

| Serial No. | Name | Address | Description | In what character included | Amount due | Proportion of costs | Total amount payable exclusive of interest |
|------------|------|---------|-------------|----------------------------|------------|---------------------|--|
| | | | | | \$ c | \$ c | |

NOTE:—The copy for service of the above order must be indorsed as follows:—

If you, the undermentioned A.B., neglect to obey this order by the time mentioned therein you will be liable to process of execution, for the purpose of compelling you to obey the same.

By the Court,
Registrar.

No. 84 (RULE 141).
NOTICE TO SEND IN CLAIMS.

N.S.W.
Form 84.

[Title.]

Creditors of the abovementioned company, which is being wound-up, are required on or before the _____ day of _____, 19____, to send their names and addresses and particulars of their debts or claims and of any security held by them to the undersigned and, if subsequently required by notice in writing from the liquidator, shall formally prove their debts or claims and establish any title they may have to priority by affidavit as required by any such notice. In default of complying with any such notice they will be excluded from the benefit of any distribution made before such debts or claims are proved or such priority is established and from objecting to any such distribution.

Dated this _____ day of _____, 19____.

[Signed.] Liquidator.
[Address.]

No. 85 (RULE 143.).
NOTICE INVITING PROOF OF DEBT OR CLAIM.

N.S.W.
Form 85.

[Title.]

The creditors of the abovenamed company are required on or before the day of _____, 19____, to prove their debts or claims and to establish any title they may have to priority by delivering or sending through the post to the liquidator at the undermentioned address an affidavit verifying their respective debts or claims. In default they will be excluded from the benefit of any distribution made before such debts or claims are proved or such priority is established and from objecting to any such distribution.

Form of proof may be obtained from the undersigned.

Dated this _____ day of _____, 19____.

[Signed.] Liquidator.
[Address.]

N.S.W.
Form 86.

No. 86 (RULE 145).

PROOF OF DEBT.

[Title.]

Note A. On the day of One thousand nine hundred and
Note B. of in the State of being duly
sworn makes oath and says:

Note C. 1. The abovenamed Company was at the day of , 19 , and
Note D. still is justly and truly indebted to of
in the sum of dollars cents (\$ c)
particulars whereof are:

| <i>Note E.</i> | Date | Consideration | Amount | | Details of vouchers |
|----------------|------|---------------|--------|---|---------------------|
| | | | \$ | c | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Note F. 2. The said creditor has not nor has any person by the said creditor's order to my knowledge or belief had or received any manner of satisfaction or security whatsoever for the said sum or any part thereof save and except the following:

Note G. 3. The said creditor by whom I am employed has duly authorized me in writing to make
Note H. this affidavit.

[Or]

Note I. 3. I am the said creditor's agent duly authorized in writing to make this affidavit and it is within my own knowledge that the aforesaid debt was incurred and for the consideration stated and such debt to the best of my knowledge and belief still remains unpaid and unsatisfied.

Sworn, etc.

INSTRUCTIONS FOR COMPLETING THIS PROOF.

1. The proof is liable to be rejected unless fully completed. Please refer to the marginal notes hereunder.

2. This form when completed should be returned to [name and address of liquidator], and not to the Court.

Note A. Complete date and deponent's full name.

Note B. Complete address and deponent's occupation.

Note C. Insert date of Court order in winding-up by the Court, or date of resolution to wind-up, if a voluntary winding-up.

Note D. Full name and address of creditor and total amount of debt. If creditor is a partnership state name of partners.

Note E. Under "Consideration" state how the debt arose; for example, "goods sold and delivered to the Company between the dates of . . .", "moneys advanced in respect of the undermentioned Bill of Exchange".

Note F. Give details of any payment received on account, and of any securities held. Where the securities are on the property of the debtor Company assess and state their value. Where bills or other negotiable securities are held give details (production will also be required before the proof can be admitted). Where there is any set-off credit should be given for contra accounts provided there was a debt of a mutual nature before liquidation. Preference claimed under section 291 or 292 of the Companies Ordinance 1962-1969 should be stated here with the grounds of the claim.

Note G. If proof made by creditor personally strike out the two paragraphs numbered 3.

Note H. This paragraph to be used where proof made by creditor's employee.

Note I. This paragraph to be used where proof made by creditor's agent.

No. 87 (RULE 149).

NOTICE AS TO REJECTION OF PROOF.

N.S.W.
Form 87.

[Title.]

To A.B., of

Your claim against the abovenamed company as set forth in the affidavit of C.D., sworn herein on the _____ day of _____, has been

wholly disallowed by me,

[or disallowed by me to the extent of

or allowed by me in the sum of \$

or allowed by me to the extent of your claim for

]

upon the following grounds (*here state grounds of liquidator's rejection*).

Take notice that if you are dissatisfied with my determination as above mentioned you must within _____ days from the service of this notice appeal against the same in the following manner:—

(a) Issue a summons from the office of the Registrar of the Supreme Court of the Australian Capital Territory, Supreme Court Building, Canberra, to be heard before a Judge or the Registrar of the Supreme Court, stating the grounds of your objection to my determination; and

(b) serve upon me a copy of the summons and all affidavits filed in support thereof; and thereafter duly prosecute such appointment. In default your claim will be assessed in accordance with my determination.

Dated this

day of

, 19

[Signed.]

Liquidator.

[Address.]

No. 88 (RULE 160).

PROOF OF DEBT OF EMPLOYEES.

N.S.W.
Form 88.

[Title.]

On the etc. [*full name, address and occupation of deponent*] on behalf of the workmen and others employed by the abovenamed company being duly sworn makes oath and says as follows:—

That the abovenamed company was, on the * _____ day of _____, 19____, and still is justly and truly indebted to the several persons whose names, addresses and descriptions appear in the schedule hereto in the sums severally set against their names in the sixth column of such schedule for wages [*or salaries or annual leave or long service leave*] due to them respectively as workmen or others in the employ of the company in respect of services rendered by them respectively to the company [*in the case of annual leave or long service claim insert description of the claim*] during such periods as set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor has any of them, had or received any manner of satisfaction or security whatsoever.

*Insert date of Court Order in winding-up by the Court, or date of resolution to wind up if a voluntary winding-up.

SCHEDULE.

| 1. | 2. | 3. | 4. | 5. | 6. |
|-----|----------------------|---------|-------------|---|------------|
| No. | Full name of workman | Address | Description | Period over which wages (or salary or annual leave or long service leave) due | Amount due |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
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| | | | | | |
| | | | | | |
| | | | | | |

Sworn, etc.

No. 89 (RULE 164).

LIST OF CLAIMS AND PROOFS TO BE FILED UNDER RULE 164

[Title.]

I hereby certify that the following is a correct list of all claims and proofs tendered to me in the above matter between the _____ day of _____, 19____, and the _____ day of _____, 19____.

Dated this day of , 19

[Signed.]

Liquidator,

[Address.]

| Name of creditor | Claims and Proofs Tendered | | |
|------------------|----------------------------|--|---------------------|
| | Amount of claim or proof | Whether admitted, rejected, or standing over for further consideration | If admitted, amount |
| | \$ c | | \$ c |

No. 90 (RULE 166).

ADVERTISEMENT OF INTENTION TO DECLARE A DIVIDEND.

[Title.]

A ["first" or "second" or, as the case may be] dividend is intended to be declared in the above matter.

If persons claiming to be creditors have not proved their debts or had their debts admitted by the liquidator by the _____ day of _____, 19____, they will be excluded from this dividend.

Dated this day of , 19

[Signed,]

Liquidator.

[Address.]

No. 91 (RULE 166).

NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND.

[Title.]

A ["first" or "second", or, as the case may be] dividend is intended to be declared in the above matter. You are mentioned as a creditor in the statement of affairs, but you have not yet proved your debt.

If you do not prove your debt by the _____ day of _____, 19____, you will be excluded from this dividend.

Dated this _____ day of _____, 19____

[Signed,]

Liquidator.

[Address.]

No. 92 (RULE 166).

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO
DECLARE FINAL DIVIDEND.

[Title.]

Take notice that a final dividend is to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court or the Registrar of the Court on or before the _____ day of _____, 19____, or such later date as the Court or the Registrar of the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this _____ day of _____, 19____

[Signed.]

Liquidator.

[Address.]

N.S.W.
Form 96.

No. 96 (RULE 168).

NOTICE OF RETURN TO CONTRIBUTORIES.

[Title.]

Return of \$ per share.

Notice is hereby given that a return of per share has
 been declared in this matter, and cheque numbered is attached in the
 sum of \$ calculated at the beforementioned rate per share on
 your shares.

Dated this day of , 19 .

[Signed.]

To [Name]

Liquidator.

[Address]

[Address.]

N.S.W.
Form 97.

No. 97 (RULE 168).

AUTHORITY TO LIQUIDATOR TO PAY RETURNS OF CAPITAL TO ANOTHER PERSON.

[Title.]

To the Liquidator.

Sir,

I (We) hereby authorise and request you to pay to A.B. of [address] (a specimen of
 whose signature is given below), all returns of capital payable to me (us) in this matter.

And I (we) further request that the cheque or cheques drawn in respect of such returns
 of capital may be made payable to the order of the said A.B.

It is understood that this authority is to remain in force until revoked by me (us) in
 writing.

Dated this day of , 19 .

[Signed.]

[Specimen of Signature of A.B.]

Witness:

N.S.W.
Form 98.

No. 98 (RULE 181).

REQUEST TO DELIVER BILL FOR TAXATION.

[Title.]

I hereby request that you do, within days of this date, or such further
 time as the Court, the Registrar or I may allow, lodge your bill of costs [or charges] as [here
state nature of employment] in the Registrar's Office for taxation by the taxing officer, and
 within the period aforesaid serve me at the undermentioned address with a copy of such
 bill with a notice of the appointment for taxation endorsed thereon; failing which, I shall,
 in pursuance of the *Companies Ordinance* 1962-1969, and Rules, proceed to declare and
 distribute a dividend without regard to any claim which you may have against the assets
 of the company, and your claim against the assets of the company will be liable to be
 forfeited.

Dated this day of , 19 .

[Signed.]

Liquidator.

[Address.]

No. 99 (RULE 192).

N.S.W.
Form 99.

REGISTRAR'S CERTIFICATE OF COMPLETION OF WINDING-UP.

[Title.]

IN PURSUANCE of the Order for winding-up made herein on the day of , 19 , I HAVE BEEN ATTENDED by the solicitor for A.B.C. the liquidator of the abovenamed company [or, where the Registrar does not require formal attendance by the liquidator or his solicitor, APPLICATION HAS BEEN MADE TO ME by A.B.C. the liquidator of the abovenamed company] AND I HEREBY CERTIFY THAT THE AFFAIRS OF THE SAID COMPANY HAVE BEEN COMPLETELY WOUND-UP.

THE EVIDENCE used for the purposes of this Certificate consists of the affidavit of A.B.C. sworn herein on the day of , 19 , together with, etc.

Dated this day of , 19 .

Registrar.

No. 100 (RULE 193).
SUMMONS FOR DISSOLUTION.

N.S.W.
Form 100.

[Title.]

LET all parties concerned attend before the Honourable Mr. Justice a Judge of the Supreme Court at No. Court, Supreme Court, Canberra, on the day of , 19 , at o'clock in the noon or so soon thereafter as Counsel can be heard on the hearing of an Application on behalf of the Liquidator of the abovenamed company that the abovenamed company be dissolved AND THAT the said be at liberty to destroy the books accounts and other documents of the said company and of the said Liquidator other than the file in the proceedings for winding-up of the said company after the expiration of six (6) months AND THAT such further or other order may be made as to His Honour may seem fit.

Dated this day of , 19 .

Registrar.

[Conclude as in Form No. 19.]

No. 101 (RULE 193).
CERTIFICATE OF NO VARIATION OF REGISTRAR'S CERTIFICATE.

N.S.W.
Form 101.

[Title.]

I HEREBY CERTIFY that no application has been made to vary the Registrar's Certificate of Completion of Winding-up dated the day of , 19 .

Dated this day of , 19 .

Registrar.

No. 102 (RULE 194).
NOTICE TO CREDITORS AND CONTRIBUTORIES OF INTENTION TO APPLY FOR RELEASE.

N.S.W.
Form 102.

[Title.]

Take notice that I the undersigned liquidator of the abovenamed Company, intend to apply to The Honourable Mr. Justice, etc., at No. Court, Supreme Court, Canberra, on the day of , 19 , at o'clock in the noon for my release, and further take notice that if you are desirous of objecting to the granting of my release, you may appear at the time of hearing, in person or by your counsel or solicitor, for that purpose.

Rules of the Supreme Court of the Australian Capital Territory

A summary of my receipts and payments in the winding-up is hereto annexed.

Dated this day of , 19 .

[Signed]

Liquidator.

[Address.]

NOTE.—Section 240 (4.) of The Companies Ordinance 1962, enacts that “An order of the Court releasing the liquidator discharges 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.”

N.S.W.
Form 103.

No. 103 (RULE 194).

SUMMARY OF RECEIPTS AND PAYMENTS TO ACCOMPANY NOTICE OF APPLICATION FOR RELEASE.

[Title.]

Statement showing position of Company at date of application for release.

| Dr. | | Receipts | | Cr. | Payments | |
|---|--|----------|---|---|----------|----|
| | | \$ | c | | \$ | c |
| | Estimated to produce as per Company's Statement of Affairs | | | By Court fees (including stationery, printing, and postages in respect of contributories, creditors and debtors, and fee for audit) | | |
| | \$ c | | | Law costs of petition | | |
| To total receipts from date of winding-up order, viz:— | | | | Law costs of solicitor to liquidator | | |
| (State particulars under the several headings specified in the Statement of Affairs.) | | | | Other law costs | | |
| Receipts per trading account | | | | Liquidator's remuneration viz:— | | |
| Other receipts | | | | Per cent on \$ assets realised | | |
| Total | | | | Per cent on \$ assets distributed in dividend | | |
| Less— | | | | Shorthand writer's charges | | |
| Payments to redeem securities | | | | Special manager's charges | | |
| Costs of execution | | | | Person appointed to assist in preparation of statement of affairs | | |
| Payments per trading account | | | | Auctioneer's charges as taxed | | |
| | \$ | | | Other taxed costs | | |
| Net realisations \$ | | | | Costs of possession and maintenance of estate | | |
| Amounts received from calls on contributories made in the winding-up | | | | Costs of notices in Gazette and local papers | | |
| | | | | Incidental outlay | | |
| | | | | Total costs and charges | \$ | c |
| | | | | Creditors, viz:— | | |
| | | | | (a) Preferential | | |
| | | | | (a) Unsecured: dividend of c in the \$ on \$ | | |
| | | | | The estimate of amount expected to rank for dividend was \$ | | |
| | | | | Amount returned to contributories | | |
| | | | | Balance | | \$ |
| | \$ | | | | | \$ |

(a) State number of creditors.

Assets not yet realised, including calls, estimated to produce \$ [Add any special remarks the liquidator thinks desirable.]

Creditors can obtain any further information by inquiry at the office of the liquidator.

Dated this day of , 19 .

[Signed]

Liquidator.

[Address.]

Rules of the Supreme Court of the Australian Capital Territory

No. 104 (RULE 197).

N.S.W.
Form 10

CERTIFICATE OF INSPECTOR UNDER SECTION 171 (4.).

[Title.]

I [insert name of Inspector] of [insert address] being an Inspector duly authorised to investigate the affairs of the abovenamed company do hereby certify as follows:—

1. [State in paragraphs consecutively numbered the name and address of the person who has failed or refused to answer any question and the material facts and circumstances constituting the failure or refusal. Annex a copy of any notice issued under sub-section (3.) of section 171 of the Companies Ordinance 1962-1969.]

Dated this _____ day of _____, 19____

[Signed.]

Inspector.

Dated this twenty-seventh day of December, 1969.

R. W. FOX

Judge of the Supreme Court
of the Australian Capital
Territory.

Z. HARTSTEIN

Registrar.