Statutory Rules 1989 No. 1

Snowy Mountains Engineering Corporation (Conversion into Public Company) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Snowy Mountains Engineering Corporation Act 1970.


BILL HAYDEN

Governor-General

By His Excellency's Command,

B. O'Conner

Minister of State for Science, Customs and Small Business

Citation

1. These Regulations may be cited as the Snowy Mountains Engineering Corporation (Conversion into Public Company) Regulations.

Interpretation

2. In these Regulations, unless the contrary intention appears:
   “the Act” means the Snowy Mountains Engineering Corporation Act 1970;
   “the Companies Act” means the Companies Act 1981.

Form of application for registration

3. For the purposes of section 18C of the Act, the application under subsection 85 (1) of the Companies Act shall be in accordance with the Schedule.
Documents to be lodged under s.85 (4) of the Companies Act

4. For the purposes of subsection 18C (2) of the Act:

(a) the lodging of a certificate signed by a Director of SMEC to the effect that:
   (i) SMEC was established under the Act; and
   (ii) SMEC is to be converted into a public company by the Act under the name “Snowy Mountains Engineering Corporation Limited”;

shall be taken to be compliance with paragraph 85 (4) (a) of the Companies Act; and

(b) the lodging of a certificate signed by a Director of SMEC to the effect that:
   (i) the registration of Snowy Mountains Engineering Corporation Limited is to be authorised under the Act; and
   (ii) Snowy Mountains Engineering Corporation Limited will be a company limited by shares by virtue of the Act; and
   (iii) the share capital of Snowy Mountains Engineering Corporation Limited is the amount ascertained under section 18A of the Act and the capital is divided into shares under that section; and

   (iv) SMEC has complied with the requirements of the Act relating to the conversion of SMEC into a public company under the name “Snowy Mountains Engineering Corporation Limited”;

shall be taken to be compliance with paragraph 85 (4) (c) of the Companies Act; and

(c) the lodging of the proposed memorandum, and proposed articles, for Snowy Mountains Engineering Corporation Limited under paragraph 18C (1) (c) of the Act shall be taken to be compliance with paragraph 85 (4) (d) of the Companies Act; and

(d) the lodging of a certificate signed by a Director of SMEC to the effect that the share capital and allotment of shares are as required by sections 18A and 18B of the Act shall be taken to be compliance with paragraph 85 (4) (e) of the Companies Act.
APPLICATION FOR REGISTRATION AS A COMPANY

a statutory corporation established under
(1) applies to be registered under (2) .................................................................
as a company limited by shares.

1. The address of the principal office of the corporation is .................................................................

2. The corporation is authorized by .................................................................
to apply for registration.

3. The corporation has carried on business in (1) .................................................................

*4. (To be completed in the case of a corporation that has established a place of business or commenced to carry on business, as shown in paragraph 3). State particulars of the business, showing:
   (a) the address of the principal place of business; and
   (b) the date on which the corporation established a place of business or the period for which it has carried on business, as the case may be; and
   (c) the nature of the business.

*5. The share capital and allotment of shares are as required by sections 18A and 18B of the Snowy Mountains Engineering Corporation Act 1970.

6. The corporation:
   (a) is not in the course of being wound up; and
   (b) has not had an application lodged to wind it up that has not been dealt with; and
   (c) has not had a receiver, or a receiver and manager, appointed, who is acting in respect of property of the corporation; and
   (d) is not under official management; and
   (e) has not entered into a compromise or arrangement with another person or other persons, the administration of which has not been concluded; and
   (f) has not had an application made to a court for the approval of a compromise or arrangement with another person or other persons that has not been dealt with.

Dated at ................................................................. on this .................................................................

Signed by a Director of the Snowy Mountains Engineering Corporation in the presence of:

(Signature)

* Strike out if inapplicable.
(1) Cite law under which incorporated.
(2) Cite law under which registration is sought.
(3) Insert name of State or Territory in which registration is sought.

NOTE

1. Notified in the Commonwealth of Australia Gazette on .................................................................