



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 27 of 1971

An Act to amend the Companies Act, 1962, as amended.

[Assented to 22nd April, 1971]

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

Short titles.

1. (1) This Act may be cited as the "Companies Act Amendment Act, 1971".

(2) The Companies Act, 1962-1968, as amended by this Act, may be cited as the "Companies Act, 1962-1971".

(3) The Companies Act, 1962-1968, is hereinafter referred to as "the principal Act".

Commencement.

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

Repeal of second schedule of principal Act and enactment of schedule in its place.

3. The second schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:--

SECOND SCHEDULE

TABLE OF FEES TO BE PAID TO THE REGISTRAR

By a Company having a Share Capital

	\$
1. For registration of a company whose nominal share capital does not exceed \$10,000	100.00
2. For registration of a company whose nominal share capital exceeds \$10,000 the above fee of \$100 with the following additional fees regulated according to the amount of nominal share capital (that is to say)—	
For every \$1,000 of nominal share capital, or part of \$1,000, after the first \$10,000, up to \$200,000	2.00
For every \$1,000 of nominal share capital or part of \$1,000, after the first \$200,000 up to \$1,000,000	1.00
For every \$1,000 of nominal share capital or part of \$1,000, after the first \$1,000,000	0.50
3. On lodging notice of increase of share capital—an amount equal to the difference (if any) between the amount of the fee which would have been payable under this Act for registration of the company by reference to its capital as increased and the amount of the fee which would have been payable under this Act for registration of the company by reference to its capital immediately before the increase but in the case of a company incorporated before the commencement of this Act with a share capital of less than \$10,000 the fee shall be \$15 per \$1,000 or any fractional part of \$1,000 or \$50 (whichever is the lesser amount) for any increase up to \$10,000 and thereafter an amount calculated as aforesaid.	

By a Company not having a Share Capital

5. For registration of a company—	
(a) where the number of members with which the company is registered does not exceed 20	20.00
(b) where the number of such members exceeds 20 but does not exceed 100	40.00
(c) where the number of such members exceeds 100 but is less than 8,100 for the first 100	40.00
for each 50 (or part of 50) by which the number of such members exceeds 100	1.00
(d) where the number of such members is not less than 8,100	200.00
6. For registration of a company in which the number of members is stated in the articles of association to be unlimited	200.00
7. On lodging notice of increase in the number of members—an amount equal to the difference (if any) between the amount of the fee which would have been payable under this Act for registration of the company by reference to the number of its members as increased and the amount of the fee which would have been payable under this Act for registration of the company by reference to the number of its members immediately before the increase.	

Other Fees

9. For every application for consent of the Minister to use of a name by a corporation	10.00
10. For every order of the Minister granting consent to use of name by a corporation	20.00

SECOND SCHEDULE—*continued*

	\$
11. For every approval of the Registrar to the change of the name of a company (otherwise than a change of name directed by the Registrar pursuant to the provisions of subsection (2) of section 23 or a change of name pursuant to subsection (2) of section 24 of this Act)	20.00
12. For every application for a licence of the Minister to dispense with the word "limited" in the name of a company	20.00
13. For approval of the Minister to alter the memorandum or articles of a company	4.00
14. On lodgment of request to the Registrar to exercise the powers conferred by sections 309 or 311	5.00
15. For every act done by the Registrar as representing a defunct company under section 309	10.00
16. For every act done by the Registrar as representing a defunct company under section 311	10.00
17. On the late lodging of any document under this Act, in addition to any other fee—	
(a) if lodged within one month after the period prescribed by law	4.00
(b) if lodged more than one month after the period prescribed by law in addition to the fee payable under subparagraph (a)	15.00
The Registrar, if satisfied that just cause existed for the late lodgment may waive in whole or in part the additional fee under paragraph (b).	
*18. For the registration of a foreign company (not being a foreign company to which item 18a applies)—	
(a) subject to paragraphs (b) and (c), one-half of the appropriate fee prescribed in respect of a company registered or incorporated under Part III of this Act;	
(b) subject to paragraph (c) where the fee prescribed in paragraph (a) is not applicable	200.00
and	
(c) in the case of a corporation authorized by the law of any State or Territory to take in its own name a grant of probate or letters of administration of the estate of a deceased person	100.00
18a. For the registration of a foreign company the share capital of which consists wholly or partly of shares having no fixed nominal value, the same fee as would be payable if those shares had a nominal value being—	
(a) in the case of shares for which a maximum issue price is fixed by the instrument constituting or defining the constitution of the company—the maximum issue price;	
and	
(b) in any other case—\$1.00	
*19. On lodging by a foreign company (not being a foreign company to which item 19a applies) of notice of increase in share capital or in the case of a foreign company not having a share capital on the lodging of notice of increase in number of members beyond its registered number— one-half of the prescribed fee payable on the increase in share capital or on the increase in the number of members of a company incorporated or registered under Part III.	

SECOND SCHEDULE—*continued*

	\$
19a. On lodging by a foreign company, the share capital of which consists wholly or partly of shares having no fixed nominal value, of notice of increase of share capital—the same fee as would be payable if those shares had a nominal value calculated in accordance with item 18a.	
20. For registering any charge created by a corporation	10.00
21. For registering particulars of a series of debentures	10.00
22. For registering particulars of each issue of debentures when more than one issue in the series	5.00
23. On an application for the reservation of a name	6.00
24. On lodging articles of association of a company	4.00
25. On lodging a copy of any special resolution altering the articles of association of a company	4.00
26. On lodging a copy of any special resolution altering the objects clause of the memorandum of association of a company	4.00
27. On lodging any deed or copy of a deed under section 78	50.00
27a. On lodging any statement in lieu of prospectus, or any deed or copy of a deed under section 78 amending a deed lodged under section 78	20.00
27b. On lodging, in relation to a corporation that is a foreign company incorporated in another State or Territory of the Commonwealth, any prospectus or any statement under section 82, being a prospectus or statement registered or acceptable for registration in that other State or Territory	20.00
27c. On lodging any prospectus or any statement under section 82, other than a prospectus or statement referred to in item 27b	50.00
28. On any subpoena served on the Registrar to produce any document in his custody	4.00
29. On lodging any application under section 44 or section 374	10.00
29a. On lodging any application to the Registrar under section 161a	20.00
29b. On lodging any appeal against a decision of the Registrar under section 161a	20.00
30. On lodging any other application	4.00
31. For entry in the register of charges of any memorandum of satisfaction	5.00
32. For every certificate issued by the Registrar under any Act	2.00
33. For a typewritten copy or extract made and certified by the Registrar of any document in his custody—	
For each copy or extract not exceeding five folios of 72 words to the folio	2.00
For each additional folio of 72 words	0.20

SECOND SCHEDULE—*continued*

	\$
33a. For a copy or extract (made by photographic process and certified by the Registrar) of any document in his custody—	
For the first sheet so made	2.00
For each additional sheet of foolscap size or less	0.50
For each additional sheet larger than foolscap size	0.75
34. For the completing and certifying by the Registrar of a copy or extract of any document in his custody of which a printed or typed copy is supplied—	
For each copy or extract not exceeding five folios of 72 words to the folio	1.00
For each additional folio of 72 words	0.10
35. For a copy or extract (made by photographic process by the Registrar) of any document in his custody, but not certified by him—	
For the first sheet so made	1.50
For each additional sheet of foolscap size or less	0.50
For each additional sheet larger than foolscap size	0.75
36. For search as to availability of any name proposed to be adopted by a corporation—for every name searched	1.00
37. For every search or inspection in relation to a particular company of the registers and documents kept by the Registrar, pursuant to Division VII, Part IV	0.50
38. For search for and inspection of a document or documents filed by or in relation to a corporation	1.00
39. On lodging any annual return of a corporation	12.00
39a. On lodging any balance-sheet of a foreign company	12.00
40. On lodging, registering, depositing, or filing any other document with or by the Registrar under any Act (where the fee is not specified in any relevant Act or Regulation)	4.00

*Fees payable with respect to companies formed or incorporated outside the Commonwealth shall where appropriate be calculated after the conversion of the share capital to Australian currency.

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

J. W. HARRISON, Governor.