



Archives ACT Finding Aid Company Registration

Introduction

This finding aid is aimed at assisting researchers using Australian Capital Territory Government archives who are trying to locate company records.

Legislative background

The legislation of the Federal Capital Territory and the subsequent Australian Capital Territory (from 1938) until self-government in 1989 was by sub-ordinate legislation, known as ordinances. The machinery for this was ordination by the Governor-General with the advice of the Federal Executive Council, pursuant of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*.

The Commonwealth Government did not introduce an ordinance until the *Companies Ordinance 1931*. At which time, the *Companies Act 1899 (NSW)*, the *Companies Act Amendment Act 1900 (NSW)* the *Companies (Amendment) Act 1906 (NSW)* and the *Companies (Amendment) Act 1907 (NSW)* and the *Companies (Registration of Securities) Act 1918 (NSW)* with amendments were adopted as law of the Territory for the Seat of Government. Major overhauls occurred with the most far reaching being in 1954. Under the *Companies Ordinance 1954* the following Acts of the State of New South Wales ceased to apply in the Territory: *Companies Act 1899 (NSW)*, the *Companies Act Amendment Act 1900 (NSW)* the *Companies (Amendment) Act 1906 (NSW)* and the *Companies (Amendment) Act 1907 (NSW)* and the *Companies (Registration of Securities) Act 1918 (NSW)*.

Subsequent Commonwealth law was the *National Companies and Securities Commission Act 1979*, *Corporations Act 1989*, *Australian Securities and Investments Commission Act 1989*, *Australian Securities and Investments Commission Act 2001* and the *Corporations Act 2000*.

There is no ACT legislation on companies as the *Corporations Act 2000* is the legislation for the ACT.

Business names registration

The *Business Names Ordinance 1933* continued the Registrar of Firms and the register from the now disapplied *Registration of Firms Act 1902 (NSW)* that had applied in the Territory. This, and the *Business Names Ordinance 1935*, was subsequently repealed by the *Business Names Ordinance 1956*. The *Business Names Ordinance 1956* and the *Business Names Ordinance 1961* were repealed in 1963, but this did not invalidate any actions made under any previous ordinance. The *Business Names Act 1963* was repealed in 2012 by *The Business Names Registration (Transition to Commonwealth) Act*

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2012. This Act put in place provisions to enable the transfer of the business names registration function to the Commonwealth under the national business names registration scheme. The ACT Act is partially commenced. Part 3, section 17 and schedule 2 commence on change-over day. *Change-over day* is defined in the [Business Names Registration \(Transitional and Consequential Provisions\) Act 2011 \(Cwlth\)](#) as the day the [Business Names Registration Act 2011 \(Cwlth\)](#), pt 2 commences. This Act is at <http://www.comlaw.gov.au/Details/C2011A00126>

Location of the records

1. New South Wales

The Index to Registers of Firms, 1903-22 records Name of Firm, Nature of Business, Place of Business, Date of Registration and Persons Carrying on Business.

See the description of the index at <http://www.records.nsw.gov.au/state-archives/indexes-online/registers-of-firms/index-to-registers-of-firms>

Use Archives Investigator to search for companies by name. For registrations prior to 1931 see the New South Wales State Records agency note 40 Deeds Registration Branch <http://investigator.records.nsw.gov.au/Entity.aspx?Path=\Agency\40> and agency 25 Companies Branch at <http://investigator.records.nsw.gov.au/Entity.aspx?Path=\Agency\25>

2. Commonwealth

The National Archives of Australia, Canberra Office holds some company records from 1931-1989. They can be located using RecordSearch. The agency CA572 Courts and Titles Office, kept the records between 1931 and 1964. There were subsequent agencies until the formation of agency CA8585, the Australian Securities and Investments Commission, Regional Office, Australian Capital Territory which is the controlling agency. The series in the National Archives of Australia are:

1. A920 Local companies registration files, single number series with 'CL' prefix;
2. A921 Registration files, single number series with 'F' prefix (Firms, Business Names) - (the unregistered businesses portion transferred to ACT Government custody, 1994-1995);
3. A922 Registration files, single number series with 'CF' (Foreign Companies) prefix;
4. A923 Registration Files, single number series with 'CN' (No Liability Companies) prefix;
5. A924 Documents and correspondence relating to the registration of Bills of Sale

3. Australian Capital Territory

The Office of Regulatory Services registers business names, not companies.

Listing of deregistered businesses has commenced and the ongoing product is available on the ArchivesACT website. This list is of the material transferred from the National Archives of Australia mentioned in the note on Series A921 above.

Files:

Record Number	Title
69/1394	Companies Ordinance - ACT Report on the Company Law Advisory Committee
71/295	Basis of incorporation of Clubs Companies Ordinance and Associations Incorporation Ordinance
71/817	Companies Ordinance - Part 3
72/454	Registrar of Co-operative Societies Companies Ordinance - General
73/2439	Companies Ordinance - Part 4
76/2794	Constitutional Development Branch Companies Ordinance 1976
85/3216	Legislation & Legal Policy Branch - Ordinance Revision (Companies Amendments) Ordinance 1982
88/12711	Legal Services Branch, Architects Ordinance - Registration of a Company
88/13018	Legal Services Branch, Building Ordinance 1972 - Licensing of Companies
A3029/166	Companies Ordinance
C82/387	Companies Ordinance

Legislation Timeline

- 1899** - *Companies Act 1899 (NSW)*
- 1900** - *Companies Act Amendment Act 1900 (NSW)*
- 1906** - *Companies (Amendment) Act 1906 (NSW)*
- 1907** - *Companies (Amendment) Act 1907 (NSW)*
- 1918** - *Companies (Registration of Securities) Act 1918 (NSW)*
- 1931** - *Companies Ordinance 1931 (Commonwealth)*
- 1954** - *Companies Ordinance 1954 (Commonwealth)*
- 1979** - *National Companies and Securities Commission Act 1979 (Commonwealth)*
- 1989** - *Corporations Act 1989 (Commonwealth)*
&
- 1989** - *Australian Securities and Investments Commission Act 1989 (Commonwealth)*
- 2000** - *Corporations Act 2000 (Commonwealth)*
&
- 2001** - *Australian Securities and Investments Commission Act 2001 (Commonwealth)*

Business Names Timeline

- 1902** - *Registration of Firms Act 1902 (NSW)*
- 1933** - *Business Names Ordinance 1933*
- 1935** - *Business Names Ordinance 1935*
- 1956** - *Business Names Ordinance 1956*
- 1961** - *Business Names Ordinance 1961*
- 1963** - *Business Names Act 1963*
- 2011** - [*Business Names Registration Act 2011 \(Cwlth\)*](#)
- 2012** - [*Business Names Registration \(Transition to Commonwealth\) Act 2012*](#)