

Bankruptcy

No. 121 of 1968

An Act to amend the *Bankruptcy Act 1966*.

[Assented to 3 December 1968]

[Date of commencement, 31 December 1968]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Bankruptcy Act 1968*.

(2.) The *Bankruptcy Act 1966** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Bankruptcy Act 1966–1968*.

Interpretation.

2. Section 5 of the Principal Act is amended by inserting in sub-section (1.), after the definition of “goods”, the following definition:—

“ ‘magistrate’ means a Stipendiary, Police or Special Magistrate of a State or Territory;”.

Petitioning
creditor to
lodge deposit
to cover
advertising
expenses, &c.

3. Section 48 of the Principal Act is amended by omitting from sub-section (1.) the words “of calling the first meeting of creditors” and inserting in their stead the words “any other expenses necessarily incurred by an official receiver before the first meeting of creditors”.

Consolidation
of proceedings.

4. Section 53 of the Principal Act is amended by omitting the words “Where sequestration orders have been made against two or more members of a partnership or two or more joint debtors,” and inserting in their stead the words “Where two or more members of a partnership or two or more joint debtors have become bankrupts,”.

Public
examination of
bankrupt.

5. Section 69 of the Principal Act is amended—

(a) by inserting in sub-section (2.), after the word “Registrar” (first occurring), the words “or, if the Registrar thinks fit, before a magistrate”;

(b) by inserting in sub-section (3.), after the word “Registrar”, the words “or the magistrate”;

(c) by inserting in paragraph (b) of sub-section (4.), after the word “Registrar”, the words “or the magistrate, as the case may be”; and

(d) by omitting from sub-sections (7.), (8.) and (12.) the words “or the Registrar” (wherever occurring) and inserting in their stead the words “, the Registrar or the magistrate”.

6. Section 78 of the Principal Act is amended by inserting in paragraph (e) of sub-section (1.), after the word "before", the words "a magistrate,".

Arrest of
debtor or
bankrupt.

7. Section 81 of the Principal Act is amended by omitting sub-section (12.).

Discovery of
bankrupt's
property.

8. Section 140 of the Principal Act is amended—

Declaration and
distribution of
dividends.

(a) by inserting in sub-section (1.), after the word "shall," the words "subject to sub-section (7.) of this section,";

(b) by omitting from sub-section (5.) the words "subject to the next succeeding sub-section" and inserting in their stead the words "subject to the next two succeeding sub-sections"; and

(c) by adding at the end thereof the following sub-section:—

"(7.) A dividend payable to a creditor under this section may be paid, and a statement to be sent to a creditor under sub-section (5.) of this section may be sent, to a person authorized in writing by the creditor to receive the dividend."

9. Section 311 of the Principal Act is amended by omitting from paragraph (d) of sub-section (1.) the words "under Part IX." and inserting in their stead the words "under Part X."

Stamp duty
not payable
on trustee's
cheques or
receipts.