

**15. Practice Direction No 5 of 2001 - Appointment of Liquidators by the Court on winding up of a company**

There will be established an “A”, “B” and “C” list.

The “A” list shall consist of local resident Liquidators, ie those who reside in, and operate from Darwin, or the place in the Northern Territory where the company had its registered office or operation. The “B” list shall consist of Liquidators with Darwin offices or offices in the place in the Northern Territory where the company had its registered office or operation, but who do not reside there. The “C” list shall consist of Liquidators who neither reside in, nor have offices in Darwin, or in the place in the Northern Territory where the company had its registered office or operation.

On appointing a Liquidator (*whether as a Provisional Liquidator or otherwise*), the Court will give preference to those Liquidators on the “A” list. Where there are reasons why the appointment of a Liquidator on that list cannot be made (*eg conflict of interest*), the next preference will be given to the Liquidators on the “B” list. Where there are good reasons why no Liquidator on either the “A” list or the “B” list should be appointed, (*eg where the company is part of a group of companies and the main or principle company has had a Liquidator appointed out of the Territory*), then a Liquidator from the “C” list may be appointed. In the case of the example given, the Liquidator approved will be the Liquidator who was appointed out of the Territory.

To be on the “B” list, a Liquidator will have to undertake in writing to the Master that;

- he or she can operate from his or her Darwin office or the office in the place in the Northern Territory where the company had its office or operation;
- he or she will pay regular visits to Darwin or to the place in the Northern Territory where the company had its office or operation; and
- the costs of any interstate travel and of any additional costs involved in a liquidation by reason of the liquidator’s being resident out of the Northern Territory will be absorbed by him or her or his or her firm.

In any event, any such costs claimed in a liquidation will be disallowed.

Where in an application for winding up a company the appointment of a Liquidator who is on the “B” or “C” list is sought, the applicant shall, before the hearing, file an affidavit setting out the grounds upon which the appointment of such a Liquidator is sought. Such an affidavit may be made by the applicant’s solicitor on the basis of information and belief.

A Liquidator whose name is entered on any of the above lists shall notify the Registrar in writing of –

- (a) any change of the address of his place of business;

- (b) such changes as –
  - (i) the merger of his firm with that of another firm; or
  - (ii) his retirement from business; and
- (c) any other changes in his circumstances which may be relevant to his being or remaining on any of the lists.

A Liquidator shall give notice of any such change as soon as possible after it has occurred.

31 January 2001