

## MEMORANDUM

To: Registered Liquidators & others with practical experience of liquidations  
From: **Erik Andersen**  
Date: 03 November 2021  
Subject: **Papua New Guinea COMPANIES RULES -AS THEY EFFECT LIQUIDATIONS**

The PNG “Companies Rules (1969)” governing court procedures- including a range of liquidators’ powers and obligations- are now horribly obsolete. They have survived a repeal and replacement of the other court rules in 1983 which wiped away many of the background processes they’d been drafted to match, and survived the repeal and replacement in 1997 of the former Companies Act which the Rules were designed to apply to. So now neither the substance nor the forms match up with anything they are supposed to.

I have been tasked by the Rules Committee of the National Court to review and suggest changes. Please note the Rules Committee’s work is recommendatory only - any changes to court rules are the absolute prerogative of the Chief Justice and the judges exercising their legislative power collectively.

As part of that review I seek experiences, suggestions, criticisms or any constructive ideas about improving the Rules and processes from members of the legal & accounting professions. I’m particularly interested in hearing from Registered Liquidators and people who work under them in the conduct of liquidations.

Please email me your observations or ideas; which can be as short or as long as you like, and as formal or informal as you like. To help open discussion I presume any comments are public, but if anyone wishes to make a confidential contribution please clearly say so. Comments don’t necessarily have to be refer-able to or cite any particular Rule if you don’t want to – experiences and ideas in concept are fine. If anyone can’t access a copy of the Companies Rules please email me.

Particular areas where it seems to me that liquidators or their teams may have practical experience of what works and what doesn’t work or have suggestions for improvement might come under these headings:

- Liquidators’ Reports (Part VII of the Companies Rules)
- Examinations (Part VIII)
- Powers & Duties of Liquidators (Part X)
- Manner form and content of Lists of Contributories (Part XI)
- Collection and distribution of assets (Part XII)
- Time Limits (Part XIII)
- Release and resignation of liquidator (Part XIV)
- Submission to the liquidator and approval of bills of costs (Part XVI)
- The forms used

I’d also particularly like to hear about the things that are NOT in the old rules at all – perhaps new and better tools that have evolved over the last 50 years in other places and we should think about getting in to PNG.

May I ask for any feedback before the end of November 2021, please.

**Erik Andersen: Dentons PNG**

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