



Australian Capital Territory

Supreme Court Rules Amendment

Subordinate Law 2001 No 23

We, Judges of the Supreme Court, make the following rules of court under the *Supreme Court Act 1933*, section 36.

Dated 29 June 2001.

JEFFREY MILES
Chief Justice

T J HIGGINS
Judge

K J CRISPIN
Judge

M F GRAY
Judge

J E CIRCOSTA
Registrar



Australian Capital Territory

Supreme Court Rules Amendment

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made under the

Supreme Court Act 1933

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1 Commencement

These rules commence on the day they are notified in the Gazette.

2 Rules amended

These rules amend *Supreme Court Rules*.

3 Order 61 rule 3 (b)

omit

- section 105 (4).

substitute

- section 105 (4); and

4 Order 61 new rule 3 (c) and (d)

- (c) under a provision of the *Corporations Act 2001* (Cwlth) mentioned in column 2, or a provision of the *Corporations Rules 2001* mentioned in column 3, of an item in schedule 2, part 1; and
- (d) under a provision of the *Australian Securities and Investments Commission Act 2001* (Cwlth) mentioned in column 2, or a provision of the *Corporations Rules 2001* mentioned in column 3, of an item in schedule 2, part 2.

5 Order 61 rule 3, note

omit

6 Order 61 new rule 4A

insert

4A Appeals from decisions etc of registrar in relation to corporations

An application for the review of a decision, direction or act of the registrar made, given or done under the *Corporations Rules 2001* must be made within—

- (a) 21 days after the decision, direction or act; or
- (b) any further time allowed by the court.

7 Order 61A rule 1 (y)

omit

57 (Exercise of discretion under limitation law).

substitute

57 (Exercise of discretion under limitation law); and

8 Order 61A new rule 1 (z) and (za)

insert

- (z) under a provision of the *Corporations Act 2001* (Cwlth) mentioned in column 2, or a provision of the *Corporations Rules 2001* mentioned in column 3, of an item in schedule 2, part 1; and
- (za) under a provision of the *Australian Securities and Investments Commission Act 2001* (Cwlth) mentioned in column 2, or a provision of the *Corporations Rules 2001* mentioned in column 3, of an item in schedule 2, part 2.

9 Order 61A rule 1, note

omit

10 Order 61A new rules 4A and 4B

insert

4A Appeals from decisions etc of master in relation to corporations

An application for the review of a decision, direction or act of the master made, given or done under the *Corporations Rules 2001* must be made within—

- (a) 21 days after the decision, direction or act; or
- (b) any further time allowed by the court.

4B Reference by master

- (1) If a proceeding before the master in relation to a matter mentioned in rule 1 (z) or (za) appears to the master to be proper for the decision of the court or a judge, the master may refer the matter to the court or a judge.
- (2) If the master refers a matter to the court or a judge, the court or judge may dispose of the matter or refer it back to the master with any direction the court or judge considers appropriate.

11 Order 61A rule 5 (a)

substitute

- (a) the appeal (other than an appeal to which rule 4A applies) must be instituted within 5 days after the date of the judgment complained of;

12 New schedule 2

insert

Schedule 2 Powers of the court that may be exercised by the master or registrar

(see o 61 r 3 (c), (d), o 61A, r 1 (z) (za))

Part 1 Corporations Act

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
1		8	power to give directions
2		24	power to grant leave to creditor, contributory or officer to be heard in proceeding or be added as a defendant, etc
3		25	power to direct an inquiry in relation to a corporation's debts, etc
4	sections 247A and 247B		power to order inspection of books
5	section 252E		power to order meeting of members of registered scheme
6	section 266 (4)		power to extend period for lodgment of notice in relation to charge
7	section 267 (3)		power to give leave to enforce charge

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
8	section 274		power to rectify register of charges
9	section 411	29 30 31	power to make order in relation to administration of compromise or arrangement etc
10	section 418A		power to make declaration about validity of controller's appointment and in relation to control of property
11	section 419		power to make order relieving person who incurs liability in belief that properly appointed as a receiver
12	section 419A		power to relieve controller from liability
13	section 420B		power to authorise managing controller to dispose of property despite prior charge
14	section 420C		power to authorise receiver to carry on corporation's business during the winding-up
15	section 423	32	power to inquire into conduct of controller
16	section 424		power to give directions in relation to controller's functions and powers

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
17	section 425	60	power to fix amount of remuneration of a receiver
18	section 429 (3)		power to extend time for report
19	section 434B		power to remove redundant controller
20	section 438D		power to direct administrator to give a report
21	section 440B		power to grant leave to enforce a charge
22	section 440C		power to grant leave to take possession of property
23	section 440D		power to grant leave to begin or proceed with a proceeding in a court against a company that is in administration, or in relation to any of its property
24	section 440F		power to grant leave to begin or proceed with enforcement process in relation to the property of a company
25	section 440G (7)		power to authorise a court officer to take action or to make a payment that would be prohibited
26	section 440J		power to grant leave to take enforcement action under a guarantee

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
27	section 441D		power to limit powers of chargee in relation to charged property
28	section 441H		power to limit powers of receiver etc in relation to property used by company
29	section 442C		power to grant leave to administrator to dispose of encumbered property
30	section 443B (8)		power to grant relief of administrator from personal liability for rent
31	section 444B (2)		power to extend time for execution of deed of company arrangement
32	section 444C (2)		power to grant leave to act inconsistently with deed of company arrangement
33	section 444E (3)		power to grant leave to person bound by deed of company arrangement to begin or proceed with enforcement process in relation to property of company
34	section 444F		power to order secured creditor or owner or lessor of property not to take certain actions

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
35	section 445B		power to make an order cancelling a variation of a deed of company arrangement
36	section 445D		power to make order terminating a deed of company arrangement
37	section 445G		power to avoid or validate deed of company arrangement
38	section 447A		power to make order to bring administration to an end
39	section 447B		power to make order to protect interests of company's creditors during an administration
40	section 447C		power to declare whether administrator is validly appointed
41	section 447D		power to give directions to administrator
42	section 447E		power to make order about supervision of administrator of company or deed of company arrangement
43	section 449B		power to make order about removal and appointment of administrator

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
44	sections 449C and 449D		power to make order in relation to vacancy in office of administrator of company or in office of administrator of deed of company arrangement
45	section 449E	61	power to decide or review the remuneration of administrator
46	sections 459F, 459H, 459J, 459L, 459M and 459N		power to make order in relation to statutory demands
47	sections 459A, 459B, 459C, 459D, 459P, 459R, 459S, 459T, 461, 462, 464, 465B, 465C, 466, 467, 467A and 467B	33-43	power to make orders in relation to winding-up applications
48	section 468		power in relation to validation of disposition of property
49	section 470 (2) (b)		power to direct service of copy of order on another person
50	section 471B		power to give leave to begin or proceed with proceeding or enforcement process

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
51	section 472	37 44	power to appoint official liquidator or provisional liquidator
52	section 473 (1)	46	power to remove liquidator
53	section 473 (2)	62	power to decide provisional liquidator's remuneration
54	sections 473 (3) and 473 (5)	63	power to decide or review liquidator's remuneration
55	section 473 (7)	47	power to fill vacancy in office of official liquidator
56	section 473 (8)		power to declare what may be done by liquidator, if more than 1 liquidator is appointed by the court
57	section 474 (2)		power to order that property vest in liquidator
58	section 475 (8)	48	power to grant leave for payment of costs and expenses incurred in preparing report under section 475
59	section 479		power to give directions in matters arising in winding-up
60	section 480	50	power to release liquidator and deregister company
61	section 481	52	power to order preparation of report on accounts of liquidator

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
62	section 483 (1)		power to require payment of money or transfer of property
63	section 483 (3)	53	power to order payment of a call
64	section 484	57 58 59	power to appoint special manager
65	section 486		power to make order for inspection of books by creditors or contributories
66	section 488 (2)	54	power to grant leave to distribute a surplus
67	section 490		power to grant leave to company to wind up voluntarily
68	section 495 (4)		power to make order in relation to conduct of meeting in course of members' voluntary winding-up
69	section 496 (3)		power to order that list of creditors be sent to creditors in members' voluntary winding-up
70	section 497 (3)		power to order that list of creditors be sent to creditors in creditors' voluntary winding-up
71	section 499		power to make order about liquidator if different liquidator chosen

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
72	section 500		power to make order about execution and civil proceedings
73	section 502	47	power to appoint liquidator
74	section 503		power to remove liquidator
75	section 504		power to review liquidator's remuneration in voluntary winding-up
76	section 507 (6)		power to sanction resolution to accept shares as consideration for sale of property of company
77	section 507 (9)		power to give directions necessary for arbitration
78	section 507 (10)		power to approve liquidator's exercise of powers in creditors' voluntary winding-up
79	section 509 (6)		power to order ASIC to deregister company on specified day
80	section 510 (3)		power to settle dispute about value of security or lien or amount of debt or set-off
81	section 511 (1) (a)		power to decide question in winding-up of company

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
82	section 511 (1) (b)		power to make order in relation to an application to the court to exercise powers which might be exercised if a company were being wound up by the court
83	section 532 (2)		power to grant leave for person to be appointed as liquidator
84	section 536	56 69 75	power to make order in relation to supervision of liquidators
85	section 542 (3) (a)		power to give directions in relation to destruction of books of company
86	section 543 (1)		power to make order about the investment of surplus funds
87	section 544 (2)		power to order account of funds in hands of liquidator, audit or payment of money by liquidator
88	section 545		power to direct liquidator to incur particular expense
89	section 551		power to give leave for member of committee of inspection to accept extra benefit etc
90	section 552		power to give direction or permission if no committee of inspection is appointed

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
91	section 554A	84	power to estimate or decide value of debts and claims of uncertain value in liquidation
92	section 554G		power to grant leave to secured creditor to amend valuation of security in proof of debt
93	section 564		power to make order in favour of creditors who give company indemnity for costs of litigation
94	sections 568, 568B, 568E and 568F	66	power to make order in relation to disclaimer of onerous property
95	sections 583 and 585	67	power in relation to winding up Part 5.7 bodies
96	sections 596A, 596B, 596F, 597, 597A and 597B	70 73 74 76	power to make order in relation to examinations
97	sections 600A to 600D		power to make order in relation to creditor's resolutions
98	section 601AH (2)		power to order reinstatement of registration of company
99	section 601BJ (2)		power to approve modification in constituent documents of registered company

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
100	section 601CC (9)		power to order restoration of name of registered Australian body to the Register
101	section 601CL (10)		power to order restoration of name of registered foreign company to the Register
102	section 1092	80	power to make order in relation to person summoned
103	section 1094		power to make order in relation to company's refusal to register share transfer
104	section 1096 (4)		power to make order to remedy default in issuing certificate etc
105	section 1274		power to make order if failure to give, amend etc document
106	section 1303		power to order that books be available for inspection
107	section 1319		power to give directions in relation to meetings
108	section 1321	84	power to make order in appeal from decision of receiver or liquidator
109	section 1322		power to make order in relation to irregularities

item	provision of Corporations Act	rule of Corporations Rules	description (for information only)
110	section 1335		power to make order about costs

Part 2 ASIC Act

item	provision of the ASIC Act	rule	description (for information only)
1	section 79 (4)		power to extend period to give notice of intention to have statements made at examination admitted

13 Corporations Law Rules 2000

repeal

Endnotes

Rules amended

- 1 Republished as in force on 16 February 2001 (Republication No 8). See also SL 2001 No 10.

Notification

- 2 Notified in Gazette 2001 No S46 on 16 July 2001.