

EXPLANATORY STATEMENT

Subordinate Law No. 31 of 1996

Issued by the Authority of the Judges
of the Supreme Court of the Australian Capital Territory

SUPREME COURT RULES (AMENDMENT)

The resident Judges of the Court (of whom there are three, including the Chief Justice) or any two of the resident Judges, may make Rules of Court for regulating the practice and procedure of the Court pursuant to section 36 of the Supreme Court Act 1933.

These amending rules make changes to the form of affidavit which accompanies a statutory demand under section 459E of the Corporations Law for the winding up of an insolvent company and to the form of affidavit which accompanies an application for the winding up of an insolvent company where that company has failed to comply with a statutory demand.

The amending rules have been recommended by a Committee on the Harmonisation of Practice and Procedure under the Corporations Law appointed by the Council of Chief Justices.

The amendments, which have already been adopted in the Federal Court Rules and the Rules of the Supreme Court of New South Wales, will assist to ensure that the deponent of an affidavit of debt has a proper knowledge of the matters stated in the affidavit concerning the debt and will assist to promote uniformity in practice and procedure under the Corporations Law throughout Australia.