



Australian Capital Territory

Supreme Court Amendment Rules 2003 (No 3)

Subordinate Law SL2003-41

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

Dated 15 October 2003.

T J HIGGINS
Chief Justice

K J CRISPIN
Judge

M F GRAY
Judge

T CONNOLLY
Judge



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made under the

Supreme Court Act 1933

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1 Name of rules

These rules are the *Supreme Court Amendment Rules 2003 (No 3)*.

2 Commencement

These rules commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Rules amended

These rules amend the *Supreme Court Rules*.

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

omit

Corporations Rules 2001

substitute

Supreme Court (Corporations) Rules 2003

5 Order 61A rule (1) (za) and (zb) and rule 4A

omit

Corporations Rules 2001

substitute

Supreme Court (Corporations) Rules 2003

6 Schedule 2*substitute***Schedule 2 Powers of court that may be exercised by master or registrar**

(see o 61 r 3 and o 61A r 1)

Part 2.1 Corporations Act

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
1		1.8	power to give directions
2		2.13	power to grant leave to creditor, contributory or officer to be heard in proceeding or be added as a defendant, etc
3		2.14	power to direct an inquiry in relation to a corporation's debts, etc
4	section 227		power to declare that conditions prescribed by division 3 of part 2E.1 have been satisfied
5	sections 247A and 247B		power to order inspection of books

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
6	section 252E		power to order meeting of members of registered scheme
7	section 266 (4)		power to extend period for lodgment of notice in relation to charge
8	section 267 (3)		power to give leave to enforce charge
9	section 274		power to rectify register of charges
10	section 283AE (2) (a)		power to appoint body corporate as trustee for debenture holders
11	section 283EC		power to give directions or determine any question on application of trustee for debenture holders
12	section 283HA		power to make an order for meeting of debenture holders to direct trustee
13	section 283HB (1)		power to make an order in relation to borrowing corporations
14	section 283HB (1) (c)		power to order security for debentures to be enforceable

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
15	section 411	3.3 3.4 3.5	power to make order in relation to administration of compromise or arrangement etc
16	section 418A		power to make declaration about validity of controller's appointment and in relation to control of property
17	section 419		power to make order relieving person who incurs liability in belief that properly appointed as a receiver
18	section 419A		power to relieve controller from liability
19	section 420B		power to authorise managing controller to dispose of property despite prior charge
20	section 420C		power to authorise receiver to carry on corporation's business during the winding-up
21	section 423	4.1	power to inquire into conduct of controller

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
22	section 424		power to give directions in relation to controller's functions and powers
23	section 425	9.1	power to fix amount of remuneration of a receiver
24	section 429 (3)		power to extend time for report
25	section 434B		power to remove redundant controller
26	section 438D		power to direct administrator to give a report
27	section 440B		power to grant leave to enforce a charge if an administrator has been appointed
28	section 440C		power to grant leave to take possession of property
29	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

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
30	section 440F		power to grant leave to begin or proceed with enforcement process in relation to the property of a company
31	section 440G (7)		power to authorise a court officer to take action or to make a payment that would be prohibited
32	section 440J		power to grant leave to take enforcement action under a guarantee
33	section 441D		power to limit powers of chargee in relation to charged property
34	section 441H		power to limit powers of receiver etc in relation to property used by company
35	section 442C		power to grant leave to administrator to dispose of encumbered property
36	section 443B (8)		power to grant relief of administrator from personal liability for rent
37	section 444B (2)		power to extend time for execution of deed of company arrangement

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
38	section 444C (2)		power to grant leave to act inconsistently with deed of company arrangement
39	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
40	section 444F		power to order secured creditor or owner or lessor of property not to take certain actions
41	section 445B		power to make an order cancelling a variation of a deed of company arrangement
42	section 445D		power to make order terminating a deed of company arrangement
43	section 445G		power to avoid or validate deed of company arrangement
44	section 447A		power to make order to bring administration to an end

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
45	section 447B		power to make order to protect interests of company's creditors during an administration
46	section 447C		power to declare whether administrator is validly appointed
47	section 447D		power to give directions to administrator
48	section 447E		power to make order about supervision of administrator of company or deed of company arrangement
49	section 449B		power to make order about removal and appointment of administrator
50	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
51	section 449E	9.2	power to determine or review the remuneration of administrator

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
52	sections 459F, 459H, 459J, 459L, 459M and 459N		power to make order in relation to statutory demands
53	sections 459A, 459B (except in relation to applications under section 246AA), 459C, 459D, 459P, 459R, 459S, 459T, 461, 462, 464, 465B, 465C, 466, 467, 467A and 467B (except in relation to applications under section 246AA)	div 5	power to make orders in relation to winding-up applications
54	section 468		power in relation to validation of disposition of property
55	section 470 (2) (b)		power to direct service of copy of order on another person

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
56	section 471B		power to give leave to begin or proceed with proceeding or enforcement process
57	section 472	5.5 6.1	power to appoint official liquidator or provisional liquidator
58	section 473 (1)	7.1	power to remove liquidator
59	section 473 (2)	9.3	power to determine provisional liquidator's remuneration
60	sections 473 (3) and 473 (5)	9.4	power to determine or review liquidator's remuneration
61	section 473 (7)	7.2	power to fill vacancy in office of official liquidator
62	section 473 (8)		power to declare what may be done by liquidator, if more than 1 liquidator is appointed by the court
63	section 474 (2)		power to order that property vest in liquidator

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
64	section 475 (8)	7.3	power to grant leave for payment of costs and expenses incurred in preparing report under section 475
65	section 479		power to give directions in matters arising in winding-up
66	section 480	7.5	power to release liquidator and deregister company
67	section 481	7.7	power to order preparation of report on accounts of liquidator
68	section 483 (1)		power to require payment of money or transfer of property
69	section 483 (3)	7.8	power to order payment of a call
70	section 484	8.1 8.2 8.3	power to appoint special manager
71	section 486		power to make order for inspection of books by creditors or contributories
72	section 488 (2)	7.9	power to grant leave to distribute a surplus

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
73	section 490		power to grant leave to company to wind up voluntarily
74	section 495 (4)		power to make order in relation to conduct of meeting in course of members' voluntary winding-up
75	section 496 (3)		power to order that list of creditors be sent to creditors in members' voluntary winding-up
76	section 497 (3)		power to order that list of creditors be sent to creditors in creditors' voluntary winding-up
77	section 499		power to make order about liquidator if different liquidator chosen
78	section 500		power to make order about execution and civil proceedings
79	section 502	7.2	power to appoint liquidator
80	section 503		power to remove liquidator

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
81	section 504		power to review liquidator's remuneration in voluntary winding-up
82	section 507 (6)		power to sanction resolution to accept shares as consideration for sale of property of company
83	section 507 (9)		power to give directions necessary for arbitration
84	section 507 (10)		power to approve liquidator's exercise of powers in creditors' voluntary winding-up
85	section 509 (6)		power to order ASIC to deregister company on specified day
86	section 510 (3)		power to settle dispute about value of security or lien or amount of debt or set-off
87	section 511 (1) (a)		power to decide question in winding-up of company

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
88	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
89	section 532 (2)		power to grant leave for person to be appointed as liquidator
90	section 536	7.11 11.2 11.8	power to make order in relation to supervision of liquidators
91	section 542 (3) (a)		power to give directions in relation to destruction of books of company
92	section 543 (1)		power to make order about the investment of surplus funds
93	section 544 (2)		power to order account of funds in hands of liquidator, audit or payment of money by liquidator
94	section 545		power to direct liquidator to incur particular expense

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
95	section 551		power to give leave for member of committee of inspection to accept extra benefit etc
96	section 552		power to give direction or permission if no committee of inspection is appointed
97	section 554A	14.1	power to estimate or determine value of debts and claims of uncertain value in liquidation
98	section 554G		power to grant leave to secured creditor to amend valuation of security in proof of debt
99	section 564		power to make order in favour of creditors who give company indemnity for costs of litigation
100	sections 568, 568B, 568E and 568F	10.2	power to make order in relation to disclaimer of onerous property
101	sections 583 and 585	10.3	power in relation to winding up Part 5.7 bodies

Regulation 6

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
102	sections 596A, 596B, 596F, 597, 597A and 597B	11.3 11.6 11.7 11.9	power to make order in relation to examinations
103	sections 600A to 600D		power to make order in relation to creditor's resolutions
104	section 601AH (2)		power to order reinstatement of registration of company
105	section 601BJ (2)		power to approve modification in constituent documents of registered company
106	section 601CC (9)		power to order restoration of name of registered Australian body to the Register
107	section 601CL (10)		power to order restoration of name of registered foreign company to the Register
108	section 1071D (4)	12.2	power to make order in relation to a person summoned

column 1 item	column 2 provision of Corporations Act	column 3 rule of Supreme Court (Corporations) Rules	column 4 description (for information only)
109	section 1071F		power to make an order in relation to a company's refusal to register a share transfer
110	section 1071H (6)		power to make an order to remedy default in issuing certificate etc
111	section 1274		power to make order if failure to give, amend etc document
112	section 1303		power to order that books be available for inspection
113	section 1319		power to give directions in relation to meetings
114	section 1321	14.1	power to make order in appeal from decision of administrator, receiver or liquidator
115	section 1322		power to make order in relation to irregularities
116	section 1325D		power to make order where contravention of a provision of chapter 6 due to inadvertence
117	section 1335		power to make order about costs

Part 2.2 ASIC Act

column 1 item	column 2 provision of the ASIC Act	column 3 rule	column 4 description (for information only)
1	section 79 (4)		power to extend period to give notice of intention to have statements made at examination admitted

Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the Legislation Act on 11 November 2003.
(see www.legislation.act.gov.au)