



Queensland

Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018

Subordinate Legislation 2018 No. 193

made under the

Supreme Court of Queensland Act 1991

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1 Short title

This rule may be cited as the *Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018*.

2 Rules amended

This rule amends the *Uniform Civil Procedure Rules 1999*.

Note—

See also the amendments in schedule 1.

3 Amendment of ch 23, hdg (Proceedings under Corporations Act or ASIC Act)

Chapter 23, heading, after ‘Corporations Act’—

insert—

, Cross-Border Insolvency Act 2008 (Cwlth)

4 Amendment of r 995 (Rules for proceedings under Corporations Act or ASIC Act)

(1) Rule 995, heading, after ‘Corporations Act’—

insert—

, Cross-Border Insolvency Act 2008 (Cwlth)

(2) Rule 995, after ‘under the Corporations Act’—

insert—

, the *Cross-Border Insolvency Act 2008* (Cwlth)

5 Amendment of sch 1A, r 1.3 (Application of these rules and other rules of the court)

Schedule 1A, rule 1.3(1) and (2)—

omit, insert—

(1) Unless the court otherwise orders—

(a) these rules apply to a proceeding in the court under the Corporations Act, or the ASIC

[s 6]

Act, that is commenced on or after the commencement of these rules; and

(b) part 15A applies to a proceeding in the court under the *Cross-Border Insolvency Act 2008* (Cwlth).

(2) The other rules of the court apply, to the extent they are relevant and not inconsistent with these rules—

(a) to a proceeding in the court under the Corporations Act, or the ASIC Act, that is commenced on or after the commencement of these rules; and

(b) to a proceeding in the court under the *Cross-Border Insolvency Act 2008* (Cwlth).

6 Replacement of sch 1A, r 1.4 (Expressions used in the Corporations Act)

Schedule 1A, rule 1.4—

omit, insert—

1.4 Expressions used in Corporations Act

(1) An expression used in these rules and in the Corporations Act has the same meaning in these rules as it has in the Corporations Act.

Note—

Expressions used in these rules (including the notes to these rules) that are defined in the Corporations Act include—

ABN (short for ‘Australian Business Number’)—see section 9

ACN (short for ‘Australian Company Number’)—see section 9

ARB (short for ‘Australian Registered Body Number’)—see section 9

ASIC—see section 9

body—see section 9

body corporate—see section 9

books—see section 9

company—see section 9

corporation—see section 57A

daily newspaper—see section 9

foreign company—see section 9

Part 5.1 body—see section 9

Part 5.7 body—see section 9

register—see section 9

registered liquidator—see section 9

registered office—see section 9

statutory demand—see section 9.

- (2) An expression used in these rules and in the Insolvency Practice Schedule (Corporations) has the same meaning in these rules as it has in that schedule.

Note—

Definitions of expressions used in the Insolvency Practice Schedule (Corporations) are set out in part 1, division 5 of that schedule.

7 Amendment of sch 1A, r 1.5 (Definitions for these rules)

- (1) Schedule 1A, rule 1.5, definitions *interlocutory application* and *originating application*—
omit.
- (2) Schedule 1A, rule 1.5—
insert—

Insolvency Practice Schedule (Corporations) means the Corporations Act, schedule 2.

Model Law means the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law, the English text of which is set out in the *Cross-Border Insolvency Act 2008* (Cwlth),

[s 8]

schedule 1, with the modifications set out in part 2 of that Act.

- (3) Schedule 1A, rule 1.5, note—

omit.

- (4) Schedule 1A, rule 1.5—

insert—

- (2) A reference in these rules to the *Cross-Border Insolvency Act 2008* (Cwlth) includes a reference to the Model Law.

8 Amendment of sch 1A, r 2.2 (Originating application and interlocutory application—forms 2 and 3)

Schedule 1A, rule 2.2(1)(b), after ‘case’—

insert—

, and whether interlocutory relief or final relief is claimed

9 Amendment of sch 1A, r 2.8 (Notice of certain applications to be given to ASIC)

- (1) Schedule 1A, rule 2.8, table, entry for section 482(1), ‘winding-up’—

omit, insert—

winding up

- (2) Schedule 1A, rule 2.8, table, column 1, ‘section 509(6)’—

omit, insert—

section 509(2)

- (3) Schedule 1A, rule 2.8, table, entry for section 536(1)—

omit.

- (4) Schedule 1A, rule 2.8, table—

insert—

Insolvency Practice Schedule (Corporations), section 45-1(3)	application for an order under the Insolvency Practice Schedule (Corporations), section 45-1(1) in relation to a registered liquidator
Insolvency Practice Schedule (Corporations), section 90-10(1)	application for an inquiry into the external administration of a company
Insolvency Practice Schedule (Corporations), section 90-20	application for an order under the Insolvency Practice Schedule (Corporations), section 90-15 in relation to the external administration of a company

10 Omission of sch 1A, r 2.11 (Publication of notices)

Schedule 1A, rule 2.11—

omit.

11 Amendment of sch 1A, r 2.13 (Leave to creditor, contributory or officer to be heard)

(1) Schedule 1A, rule 2.13, heading, ‘or officer’—

omit, insert—

, officer or interested person

(2) Schedule 1A, rule 2.13(1)—

insert—

(c) any other interested person;

12 Amendment of sch 1A, r 3.3 (Order for meetings to identify proposed scheme)

Schedule 1A, rule 3.3(3)(a) and (b)—

omit, insert—

(a) as if—

[s 13]

- (i) the holders were a separate class of members; and
 - (ii) the meeting were a meeting of members convened, held and conducted under subrule (2); but
- (b) in accordance with, and subject to, the applicable provisions of the instrument under which the securities were issued.

13 Amendment of sch 1A, r 3.4 (Notice of hearing (Corporations Act, ss 411(4) and 413(1))—form 6)

- (1) Schedule 1A, rule 3.4(1)(a) and (b), ‘part’—

omit, insert—

Part

- (2) Schedule 1A, rule 3.4(2)—

omit, insert—

- (2) Unless the court otherwise orders, the applicant must publish a notice of the hearing of the application—

(a) for an application in relation to 1 Part 5.1 body—in a daily newspaper circulating generally in the State where the Part 5.1 body has its principal, or last known, place of business; or

(b) for an application in relation to 2 or more Part 5.1 bodies—in a daily newspaper circulating generally in each State where any of the Part 5.1 bodies has its principal, or last known, place of business.

- (3) Schedule 1A, rule 3.4(3)(b), ‘in accordance with rule 2.11’—

omit.

14 Amendment of sch 1A, r 3.5 (Copy of order approving compromise or arrangement to be lodged with ASIC)

Schedule 1A, rule 3.5, ‘a copy’—

omit, insert—

an office copy

15 Replacement of sch 1A, pt 4, hdg (Receivers and other controllers of corporation property (Corporations Act, part 5.2))

Schedule 1A, part 4, heading—

omit, insert—

Part 4

Process for seeking inquiry or order in relation to controller, registered liquidator or external administration

16 Amendment of sch 1A, r 4.1 (Inquiry into conduct of controller (Corporations Act, s 423))

Schedule 1A, rule 4.1—

insert—

- (2) The complaint may be made by a person mentioned in rule 11.2(1)(a), (b), (c) or (d).

17 Insertion of new sch 1A, r 4.2

Schedule 1A, part 4—

insert—

4.2 Order or inquiry in relation to registered liquidator or external administration of company

- (1) This rule applies to an application to the court—

[s 18]

- (a) under the Insolvency Practice Schedule (Corporations), section 45-1 for an order in relation to a registered liquidator; or
 - (b) under the Insolvency Practice Schedule (Corporations), section 90-10 for an inquiry into the external administration of a company; or
 - (c) under the Insolvency Practice Schedule (Corporations), section 90-20 for an order in relation to the external administration of a company.
- (2) The application must be made—
- (a) in the case of a winding up by the court—by an interlocutory application seeking the inquiry or order; or
 - (b) in any other case—by an originating application seeking the inquiry or order.

Note—

An application for an order or inquiry in relation to the external administration of a company ordered to be wound up by a court is normally made to the court that made the winding up order.

18 Amendment of sch 1A, r 5.1 (Application of pt 5)

- (1) Schedule 1A, rule 5.1, ‘winding-up’—

omit, insert—

winding up

- (2) Schedule 1A, rule 5.1(a), ‘in a case of oppression or injustice’—

omit.

19 Amendment of sch 1A, r 5.5 (Consent of liquidator (Corporations Act, s 532(9))—form 8)

Schedule 1A, rule 5.5(2) and (3)(a), ‘an official’—

omit, insert—

a registered

20 Replacement of sch 1A, r 5.6 (Notice of application for winding-up—form 9)

Schedule 1A, rule 5.6—

omit, insert—

5.6 Notice of application for winding up—form 9

- (1) If a person applies for a company to be wound up other than under the Corporations Act, section 459P, 462 or 464, the person must, unless the court otherwise orders, cause a notice of the application to be published in a daily newspaper circulating generally in the State where the company has its principal, or last known, place of business.

Note—

If a person applies under the Corporations Act, section 459P, 462 or 464 for a company to be wound up, the person must cause a notice, setting out the information prescribed by the Corporations Regulations, regulation 5.4.01A to be published in the way provided by the Corporations Act, section 1367A and the Corporations Regulations, regulation 5.6.75. See the Corporations Act, section 465A(1).

- (2) The notice must be in form 9.
- (3) A notice under subrule (1), or under the Corporations Act, section 465A(1)(c), of an application for a company to be wound up must be published—
 - (a) at least 3 days after the originating application is served on the company; and
 - (b) at least 7 days before the date fixed for the hearing of the application.

[s 21]

21 Amendment of sch 1A, r 5.10 (Order substituting applicant in application for winding-up (Corporations Act, s 465B)—form 10)

(1) Schedule 1A, rule 5.10, heading, ‘winding-up’—

omit, insert—

winding up

(2) Schedule 1A, rule 5.10(2)—

omit, insert—

(2) The notice must be in form 10.

(3) Unless otherwise directed by the court, the notice must be published—

(a) at least 7 days before the date fixed for the hearing of the application; and

(b) in a daily newspaper circulating generally in the State where the company has its principal, or last known, place of business.

22 Replacement of sch 1A, r 5.11 (Notice of winding-up order and appointment of liquidator—form 11)

Schedule 1A, rule 5.11—

omit, insert—

5.11 Notice of winding up order and appointment of liquidator—form 11

(1) This rule applies if the court orders that a company be wound up and a registered liquidator be appointed as liquidator of the company.

(2) Not later than the day after the order is made, the applicant must inform the liquidator of the appointment.

(3) If the winding up order results from an application other than an application under the Corporations Act, section 459P, 462 or 464, the liquidator must cause a notice of the winding up order and the liquidator’s appointment to be published in a daily

newspaper circulating generally in the State where the company has its principal, or last known, place of business.

Note—

If the winding up order results from an application under the Corporations Act, section 459P, 462 or 464, the liquidator must cause a notice, setting out the information prescribed by the Corporations Regulations, regulation 5.4.01B to be published in the way provided by the Corporations Act, section 1367A and the Corporations Regulations, regulation 5.6.75. See the Corporations Act, section 465A(2).

- (4) The notice must be in form 11.
- (5) A notice under subrule (3), or under the Corporations Act, section 465A(2), of a winding up order must be published as soon as practicable after the liquidator is informed of the appointment.
- (6) In this rule—
liquidator does not include a provisional liquidator.

23 Amendment of sch 1A, pt 6 (Provisional liquidators (Corporations Act, part 5.4B))

Schedule 1A, part 6, after heading—

insert—

Note—

See also rule 7.3 in relation to the requirement to report to a provisional liquidator as to the affairs of a company.

24 Replacement of sch 1A, r 6.1 (Appointment of provisional liquidator (Corporations Act, s 472)—form 8)

Schedule 1A, rule 6.1—

omit, insert—

**6.1 Appointment of provisional liquidator
(Corporations Act, s 472)—form 8**

- (1) An application for a registered liquidator to be appointed under the Corporations Act, section 472(2) as a provisional liquidator of a company must be accompanied by the written consent of the registered liquidator.
- (2) The consent must be in form 8.
- (3) Subrule (4) applies if—
 - (a) an order is made appointing a provisional liquidator; and
 - (b) the order provides that the provisional liquidator may take into the provisional liquidator's custody part only of the property of the company.
- (4) The order must include a short description of the part of the property of the company that the provisional liquidator may take into custody.

**25 Amendment of sch 1A, r 6.2 (Notice of appointment of
provisional liquidator—form 12)**

- (1) Schedule 1A, rule 6.2(1), 'an official'—
omit, insert—
a registered
- (2) Schedule 1A, rule 6.2(3) and (4)—
omit, insert—
 - (3) If the order results from an application other than an application under the Corporations Act, section 459P, 462 or 464, the provisional liquidator must cause a notice of the provisional liquidator's appointment to be published in a daily newspaper circulating generally in the State where the company has its principal, or last known, place of business.

Note—

If the order results from an application under the Corporations Act, section 459P, 462 or 464, the provisional liquidator must cause a notice, setting out the information prescribed by the Corporations Regulations, regulation 5.4.01B to be published in the way provided by the Corporations Act, section 1367A and the Corporations Regulations, regulation 5.6.75. See the Corporations Act, section 465A(2).

- (4) The notice must be in form 12.
- (5) A notice under subrule (3), or under the Corporations Act, section 465A(2), of a provisional liquidator's appointment must be published as soon as practicable after the order is made.

26 Omission of sch 1A, r 7.1 (Resignation of liquidator (Corporations Act, s 473(1)))

Schedule 1A, rule 7.1—

omit.

27 Replacement of sch 1A, r 7.2 (Filling vacancy in office of liquidator (Corporations Act, ss 473(7) and 502))

Schedule 1A, rule 7.2—

omit, insert—

7.2 Vacancy in office of liquidator (Corporations Act, ss 473A and 499(3) and Insolvency Practice Schedule (Corporations), s 90-15)

If, for any reason, there is no liquidator of a company under external administration, the court may appoint a registered liquidator whose written consent in form 8 has been filed.

Note—

Under the Insolvency Practice Schedule (Corporations), section 90-15(2), the court may make the appointment—

[s 28]

- (a) on its own initiative, during a proceeding before the court; or
- (b) on application under the Insolvency Practice Schedule (Corporations), section 90-20.

28 Amendment of sch 1A, r 7.3 (Report to liquidator as to company's affairs (Corporations Act, s 475))

- (1) Schedule 1A, rule 7.3—

insert—

- (3A) Unless the court otherwise orders, a report filed by a liquidator under the Corporations Act, section 475(7) is not available for inspection by any person.

Note—

A report filed by a liquidator under the Corporations Act, section 475(7) may include commercial-in-confidence information that may not be inspected. See the Corporations Act, section 1274(4G).

- (2) Schedule 1A, rule 7.3(3A) and (4)—

renumber as schedule 1A, rule 7.3(4) and (5).

29 Amendment of sch 1A, r 7.5 (Release of liquidator and deregistration of company (Corporations Act, s 480(c) and (d)))

- (1) Schedule 1A, rule 7.5(3)(a), (b), (c) and (j) and (6), 'winding-up'—

omit, insert—

winding up

- (2) Schedule 1A, rule 7.5(3)(e)—

omit, insert—

- (e) whether ASIC has caused books in relation to the company to be audited under the Insolvency Practice Schedule (Corporations), section 70-15;

30 Replacement of sch 1A, r 7.9 (Distribution of surplus by liquidator with special leave of the court (Corporations Act, s 488(2))—form 15)

Schedule 1A, rule 7.9—

omit, insert—

7.9 Distribution of surplus by liquidator with special leave of court (Corporations Act, s 488(2))—form 15

- (1) The affidavit in support of an application for special leave to distribute a surplus in relation to a company must state how the liquidator intends to distribute the surplus, including the name and address of each person to whom the liquidator intends to distribute any part of the surplus.
- (2) At least 14 days before the date fixed for the hearing of the application, the liquidator must publish a notice of the application in a daily newspaper circulating generally in the State where the company has its principal, or last known, place of business.
- (3) The notice must be in form 15.

31 Replacement of sch 1A, r 7.11 (Inquiry into conduct of liquidator (Corporations Act, s 536(1) and (2)))

Schedule 1A, rule 7.11—

omit, insert—

7.11 Appointment of reviewing liquidator (Insolvency Practice Schedule (Corporations), s 90-23(8))

- (1) An application to the court under the Insolvency Practice Schedule (Corporations), section 90-23(8) to appoint a registered liquidator to carry out a review into a matter relating to the external administration of a company must be made—

[s 32]

- (a) in the case of a winding up by the court—by filing an interlocutory application seeking the relevant orders; or
 - (b) in the case of a voluntary winding up—by filing an originating application seeking the relevant orders.
- (2) The application must be accompanied by the written declaration made by the proposed reviewing liquidator under the *Insolvency Practice Rules (Corporations) 2016* (Cwlth), section 90-18.

32 Replacement of sch 1A, rr 9.2 and 9.2A

Schedule 1A, rules 9.2 and 9.2A—

omit, insert—

9.2 Determination of remuneration of external administrator (Insolvency Practice Schedule (Corporations), s 60-10(1)(c) and (2)(b))—form 16

- (1) This rule applies in relation to an application for a determination under the Insolvency Practice Schedule (Corporations), section 60-10(1)(c) or (2)(b) specifying remuneration that an external administrator of a company is entitled to receive for necessary work properly performed by the external administrator in relation to the external administration.

Note—

The Insolvency Practice Schedule (Corporations), section 60-10 does not apply in relation to the remuneration of a provisional liquidator or a liquidator appointed by ASIC under the Corporations Act, section 489EC. See the Insolvency Practice Schedule (Corporations), section 60-2.

- (2) At least 21 days before filing an originating application, or interlocutory application, seeking the determination, the external administrator must

serve a notice in form 16 of the external administrator's intention to apply for the determination, and a copy of any affidavit on which the external administrator intends to rely, on the following persons—

- (a) each creditor who was present, in person or by proxy, at any meeting of creditors;
 - (b) each member of any committee of inspection;
 - (c) if there is no committee of inspection, and no meeting of creditors has been convened and held—each of the 5 largest (measured by amount of debt) creditors of the company;
 - (d) each member of the company whose shareholding represents at least 10% of the issued capital of the company.
- (3) Within 21 days after the last service of the documents mentioned in subrule (2), any creditor or contributory may give the external administrator a notice of objection to the remuneration claimed, stating the grounds of objection.
- (4) If the external administrator does not receive a notice of objection within the period mentioned in subrule (3)—
- (a) the external administrator may file an affidavit, made after the end of that period, in support of the originating application, or interlocutory application, seeking the determination stating—
 - (i) the date, or dates, when the notice and affidavit required to be served under subrule (2) were served; and
 - (ii) that the external administrator has not received any notice of objection to the

remuneration claimed within the period mentioned in subrule (3); and

- (b) the external administrator may endorse the originating application, or interlocutory application, with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the external administrator; and
 - (c) the application may be so dealt with.
- (5) If the external administrator receives a notice of objection within the period mentioned in subrule (3), the external administrator must serve a copy of the originating application, or interlocutory application, seeking the determination on each creditor or contributory who has given a notice of objection.
- (6) An affidavit in support of the originating application, or interlocutory application, seeking the determination must—
- (a) include evidence of the matters mentioned in the Insolvency Practice Schedule (Corporations), section 60-12; and
 - (b) state the nature of the work performed or likely to be performed by the external administrator; and
 - (c) state the amount of remuneration claimed; and
 - (d) include a summary of the receipts taken and payments made by the external administrator; and
 - (e) state particulars of any objection of which the external administrator has received notice; and
 - (f) if the external administration is continuing—give details of any matters

delaying the completion of the external administration.

9.2A Review of remuneration determination for external administrator (Insolvency Practice Schedule (Corporations), s 60-11(1))

- (1) This rule applies in relation to an application under the Insolvency Practice Schedule (Corporations), section 60-11(1) for a review of a remuneration determination for an external administrator of a company.

Notes—

- 1 The Insolvency Practice Schedule (Corporations), section 60-11 does not apply in relation to the remuneration of a provisional liquidator or a liquidator appointed by ASIC under the Corporations Act, section 489EC. See the Insolvency Practice Schedule (Corporations), section 60-2.
 - 2 An application may not be made under the Insolvency Practice Schedule (Corporations), section 60-11(1) for a review of a remuneration determination made by the court under section 60-10(1)(c) or (2)(b) of that schedule. See the Insolvency Practice Schedule (Corporations), section 60-11(5).
- (2) At least 21 days before filing the originating application, or the interlocutory application, applying for a review, the applicant must serve a notice, in form 16A, of intention to apply for the review and a copy of any affidavit on which the applicant intends to rely (other than an affidavit required under subrule (7)) on the following persons—
 - (a) if there is a committee of inspection—each member of the committee;
 - (b) if the remuneration of the external administrator was determined by the creditors—each creditor who was present, in

person or by proxy, at the meeting of creditors at which the remuneration was determined;

- (c) each member of the company whose shareholding represents at least 10% of the issued capital of the company.
- (3) Within 21 days after the last service of the documents mentioned in subrule (2), any person on whom the notice has been served may serve on the applicant a notice—
- (a) stating the person's intention to appear at the hearing of the application for review; and
 - (b) setting out the issues the person seeks to raise before the court.
- (4) A person mentioned in subrule (2) is entitled to be heard on the application for review, but only (unless the court otherwise orders) if the person has served on the applicant a notice under subrule (3).
- (5) If the applicant is served with a notice under subrule (3), the applicant must serve a copy of the originating application, or interlocutory application, applying for the review on each person who has served a notice under subrule (3).
- (6) The external administrator must file an affidavit stating the following matters—
- (a) the matters mentioned in the Insolvency Practice Schedule (Corporations), section 60-12;
 - (b) the nature of the work performed or likely to be performed by the external administrator;
 - (c) the amount of remuneration claimed by the external administrator if that amount is different from the amount of remuneration that has been determined;

- (d) a summary of the receipts taken and payments made by the external administrator;
 - (e) particulars of any objection to the remuneration as determined, of which the external administrator has received notice;
 - (f) if the external administration is continuing—details of any matters delaying the completion of the external administration.
- (7) The applicant must—
- (a) file an affidavit stating whether any notices under subrule (3) have been served; and
 - (b) annex or exhibit to the affidavit a copy of any notice served under subrule (3).

33 Amendment of sch 1A, r 9.3 (Remuneration of provisional liquidator (Corporations Act, s 473(2))—form 16)

- (1) Schedule 1A, rule 9.3, all words before subrule (2)—

omit, insert—

9.3 Remuneration of provisional liquidator (Insolvency Practice Schedule (Corporations), s 60-16)—form 16

- (1) This rule applies in relation to an application by a provisional liquidator of a company for a determination under the Insolvency Practice Schedule (Corporations), section 60-16(1) of the remuneration the provisional liquidator is entitled to receive.
- (2) Schedule 1A, rule 9.3(2) and (7)(d), ‘winding-up’—
- omit, insert—*
- winding up
- (3) Schedule 1A, rule 9.3(3), (5)(a), (6) and (7), ‘the order’—
- omit, insert—*

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the determination

- (4) Schedule 1A, rule 9.3(7)—

insert—

(ca) state particulars of any objection of which the provisional liquidator has received notice; and

- (5) Schedule 1A, rule 9.3(7)(ca) and (d)—

renumber as schedule 1A, rule 9.3(7)(d) and (e).

- (6) Schedule 1A, rule 9.3(8), ‘Corporations Act, section 473(10)’—

omit, insert—

Insolvency Practice Schedule (Corporations), section 60-12

- (7) Schedule 1A, rule 9.3(8)(b), ‘subsection to ‘liquidator’—

omit, insert—

section to ‘external administrator’

34 Omission of sch 1A, rr 9.4 and 9.4A

Schedule 1A, rules 9.4 and 9.4A—

omit.

35 Amendment of sch 1A, r 9.5 (Remuneration of special manager (Corporations Act, s 484(2))—form 16)

- (1) Schedule 1A, rule 9.5(2), ‘winding-up’—

omit, insert—

winding up

- (2) Schedule 1A, rule 9.5(3)(b), ‘committee of creditors or’—

omit.

- (3) Schedule 1A, rule 9.5(7)—

insert—

- (ca) state particulars of any objection of which the special manager has received notice; and
- (4) Schedule 1A, rule 9.5(7)(ca) and (d)—
renumber as schedule 1A, rule 9.5(7)(d) and (e).

36 Replacement of sch 1A, pt 11, hdg (Examinations and orders (Corporations Act, part 5.9, divisions 1 and 2))

Schedule 1A, part 11, heading—

omit, insert—

**Part 11 Inquiries,
 examinations,
 investigations, and
 orders against person
 concerned with
 corporation**

37 Replacement of sch 1A, r 11.2 (Application for examination or investigation under Corporations Act, s 411(9)(b), 423 or 536(3))

Schedule 1A, rule 11.2—

omit, insert—

11.2 Inquiries, examinations and investigations under Corporations Act, s 411(9)(b) or 423(3) or Insolvency Practice Schedule (Corporations), div 90, sdiv B

- (1) An application for an order for an examination or investigation under the Corporations Act, section 423(3) in relation to a controller of property of a corporation may be made by any of the following—
- (a) a person with a financial interest in the administration of the corporation;
- (b) an officer of the corporation;

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(c) if the committee of inspection (if any) so resolves—a creditor, on behalf of the committee;

(d) ASIC.

Note—

An application—

- (a) under the Corporations Act, section 411(9)(b) for an inquiry into the administration of a compromise or arrangement or an examination or investigation in connection with an inquiry of that type; or
- (b) under the Insolvency Practice Schedule (Corporations), division 90, subdivision B for an inquiry into the external administration of a company or an examination or investigation in connection with an inquiry of that type;

may be made by a person mentioned in the Insolvency Practice Schedule (Corporations), section 90-10(2). See the Corporations Act, section 411(9)(b) and the Insolvency Practice Schedule (Corporations), section 90-10(1).

(2) The following applications may be made without notice to any person—

- (a) an application under the Corporations Act, section 411(9)(b) for an inquiry into the administration of a compromise or arrangement or an examination or investigation in connection with an inquiry of that type;
- (b) an application for an order for an examination or investigation under the Corporations Act, section 423(3);
- (c) an application under the Insolvency Practice Schedule (Corporations), division 90, subdivision B for an inquiry into the external administration of a company or an examination or investigation in connection with an inquiry of that type.

(3) The provisions of this part that apply to an

examination under the Corporations Act, part 5.9, division 1 apply, with any necessary adaptations, to an inquiry, examination or investigation under the Corporations Act, section 411(9)(b) or 423(3) or the Insolvency Practice Schedule (Corporations), division 90, subdivision B.

38 Amendment of sch 1A, r 11.3 (Application for examination summons (Corporations Act, ss 596A and 596B)—form 17)

- (1) Schedule 1A, rule 11.3(2), ‘ex parte’—
omit, insert—
without notice to any person
- (2) Schedule 1A, rule 11.3(4)—
omit, insert—
 - (4) If the application and supporting affidavit are filed (other than by lodgement by electronic or computer-based means), the application and supporting affidavit must be filed in a sealed envelope marked, as appropriate—
 - (a) ‘Application and supporting affidavit for issue of summons for examination under the Corporations Act, section 596A’; or
 - (b) ‘Application and supporting affidavit for issue of summons for examination under the Corporations Act, section 596B’.
 - (4A) If the application and supporting affidavit are lodged by electronic or computer-based means, the application and supporting affidavit—
 - (a) must be marked ‘Confidential’; and
 - (b) must be accompanied by a statement that the application and supporting affidavit are, as appropriate—
 - (i) ‘Application and supporting affidavit for issue of summons for examination

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under the Corporations Act, section 596A'; or

- (ii) 'Application and supporting affidavit for issue of summons for examination under the Corporations Act, section 596B'.

- (3) Schedule 1A, rule 11.3(4A) to (8)—
renumber as schedule 1A, rule 11.3(5) to (9).

39 Amendment of sch 1A, r 11.8 (Inspection of record or transcript of examination or investigation under Corporations Act, s 411, 423 or 536)

- (1) Schedule 1A, rule 11.8, heading—

omit, insert—

11.8 Inspection of record or transcript of examination or investigation under Corporations Act, s 411 or 423 or Insolvency Practice Schedule (Corporations), div 90, sdiv B

- (2) Schedule 1A, rule 11.8(1), 'section 411, 423 or 536'—

omit, insert—

section 411 or 423 or the Insolvency Practice Schedule (Corporations), division 90, subdivision B

40 Insertion of new sch 1A, r 12.1B

Schedule 1A, after rule 12.1A—

insert—

12.1B Notification to court if proceeding is commenced before end of takeover bid period (Corporations Act, s 659B)

- (1) This rule applies to a party to a proceeding who suspects or becomes aware that—

- (a) the proceeding was commenced in relation to a takeover bid, or proposed takeover bid, before the end of the bid period; and
 - (b) the proceeding falls within the definition *court proceedings in relation to a takeover bid or proposed takeover bid* in the Corporations Act, section 659B(4).
- (2) The party must, immediately on suspecting or becoming aware of the matters mentioned in subrule (1), notify any other party to the proceeding and the court of that suspicion or knowledge.
 - (3) The party must comply with subrule (2), unless any other party to the proceeding has given a notice under this rule to the party.

41 Replacement of sch 1A, r 12.3 (Application for orders relating to refusal to register transfer or transmission of securities (Corporations Act, s 1071F))

Schedule 1A, rule 12.3—

omit, insert—

12.3 Application for orders relating to refusal to register transfer or transmission of securities (Corporations Act, s 1071F)

As soon as practicable after filing an originating application under the Corporations Act, section 1071F, the applicant must serve a copy of the originating application and the supporting affidavit on—

- (a) the company; and
- (b) any person against whom an order is sought.

42 Replacement of sch 1A, pt 14, hdg (Powers of courts (Corporations Act, part 9.5))

Schedule 1A, part 14, heading—

[s 43]

omit, insert—

Part 14 Appeals authorised by Corporations Act

- 43 Replacement of sch 1A, r 14.1, hdg (Appeal from act, omission or decision of administrator, receiver or liquidator etc. (Corporations Act, ss 554A and 1321))**

Schedule 1A, rule 14.1, heading—

omit, insert—

14.1 Appeals against acts, omissions or decisions

- 44 Omission of sch 1A, r 15.2 (Court may draw inferences)**

Schedule 1A, rule 15.2—

omit.

- 45 Insertion of new sch 1A, pt 15A**

Schedule 1A, after part 15—

insert—

Part 15A Proceedings under Cross-Border Insolvency Act 2008 (Cwlth)

15A.1 Application of part and other rules of the court

Unless the court otherwise orders—

- (a) this part applies to a proceeding in the court under the *Cross-Border Insolvency Act 2008* (Cwlth) involving a debtor other than an individual; and

- (b) the rules in the other parts of these rules, and the other rules of the court, apply to a proceeding in the court under the *Cross-Border Insolvency Act 2008* (Cwlth) if they are relevant and not inconsistent with this part.

Note—

See rule 1.5(2) in relation to a reference in these rules to the *Cross-Border Insolvency Act 2008* (Cwlth).

15A.2 Expressions used in Cross-Border Insolvency Act 2008 (Cwlth)

- (1) An expression used in this part and in the *Cross-Border Insolvency Act 2008* (Cwlth), whether or not a particular meaning is given to the expression in that Act, has the same meaning in this part as it has in that Act.

Note—

The following expressions used in this part (including in the notes to this part) are defined in the Model Law as having the following meanings—

establishment means any place of operations where the debtor carries out a non-transitory economic activity with human means and goods or services.

foreign court means a judicial or other authority competent to control or supervise a foreign proceeding.

foreign main proceeding means a foreign proceeding taking place in the State where the debtor has the centre of its main interests.

foreign non-main proceeding means a foreign proceeding, other than a foreign main proceeding, taking place in a State where the debtor has an establishment within the meaning of subparagraph (f) of the present article.

foreign proceeding means a collective judicial or administrative proceeding in a foreign State, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a

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foreign court, for the purpose of reorganization or liquidation.

foreign representative means a person or body, including one appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding.

- (2) This part is to be interpreted in a way that gives effect to the *Cross-Border Insolvency Act 2008* (Cwlth).

15A.3 Application for recognition

- (1) An application by a foreign representative for recognition of a foreign proceeding under the Model Law, article 15 must be made by filing an originating application in form 2.
- (2) The originating application must—
 - (a) be accompanied by the statements mentioned in the Model Law, article 15 and in the *Cross-Border Insolvency Act 2008* (Cwlth), section 13; and
 - (b) name the foreign representative as the applicant and the debtor as the respondent; and
 - (c) be accompanied by an affidavit verifying the matters mentioned in the Model Law, article 15, paragraphs 2 and 3 and in the *Cross-Border Insolvency Act 2008* (Cwlth), section 13.
- (3) The applicant must serve a copy of the originating application and the other documents mentioned in subrule (2)—
 - (a) unless the court otherwise orders, in accordance with rule 2.7(1); and
 - (b) on any other persons the court may direct.
- (4) A person who intends to appear before the court at

the hearing of an application for recognition must file and serve the documents mentioned in rule 2.9.

15A.4 Application for provisional relief under Model Law, art 19

- (1) An application by the applicant for provisional relief under the Model Law, article 19 must be made by filing an interlocutory application in form 3.
- (2) Unless the court otherwise orders, the interlocutory application and any supporting affidavit must be served in accordance with rule 2.7(2).

15A.5 Registered liquidator's consent to act

- (1) This rule applies if an application is made for—
 - (a) an order under the Model Law, article 19 or 21 to entrust the administration or realisation of all or part of the debtor's assets to a person designated by the court (other than the foreign representative); or
 - (b) an order under the Model Law, article 21 to entrust the distribution of all or part of the debtor's assets to a person designated by the court (other than the foreign representative).
- (2) Unless the court otherwise orders, the person must—
 - (a) be a registered liquidator; and
 - (b) have filed a consent to act, in form 19, that states an address for service for the person within Australia.

15A.6 Notice of filing of application for recognition

- (1) Unless the court otherwise orders, the applicant in

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a proceeding mentioned in rule 15A.3 must—

- (a) send a notice of the filing of the application in form 20 to each person whose claim to be a creditor of the respondent is known to the applicant; and
 - (b) publish a notice of the filing of the application for recognition of a foreign proceeding in form 20 in a daily newspaper circulating generally in the State where the respondent has its principal, or last known, place of business.
- (2) The court may direct the applicant to publish a notice in form 20 in a daily newspaper circulating generally in any State not described in subrule (1)(b).

15A.7 Notice of order for recognition, withdrawal etc.

- (1) If the court makes an order for recognition of a foreign proceeding under the Model Law, article 17, or makes an order under the Model Law, article 19 or 21, the applicant must, as soon as practicable after the order is made, do each of the following—
 - (a) have the order entered;
 - (b) serve a copy of the entered order on the respondent;
 - (c) send a notice of the making of the order in form 21 to each person whose claim to be a creditor of the respondent is known to the applicant;
 - (d) publish a notice of the making of the order in form 21 in a daily newspaper circulating generally in the State where the respondent has its principal, or last known, place of business.

-
- (2) The court may direct the applicant to publish the notice in form 21 in a daily newspaper circulating generally in any State not described in subrule (1)(d).
 - (3) If the application for recognition is withdrawn or dismissed, the applicant must, as soon as practicable, do each of the following—
 - (a) for a dismissal—have the order of dismissal entered;
 - (b) serve a copy of the entered order of dismissal or notice of the withdrawal on the respondent;
 - (c) send a notice of the dismissal or withdrawal in form 22 to each person whose claim to be a creditor of the respondent is known to the applicant;
 - (d) publish a notice of the dismissal or withdrawal in form 22 in a daily newspaper circulating generally in the State where the respondent has its principal, or last known, place of business.
 - (4) The court may direct the applicant to publish the notice in form 22 in a daily newspaper circulating generally in any State not described in subrule (3)(d).

15A.8 Relief after recognition

- (1) If the court has made an order for recognition of a foreign proceeding, an application by the applicant for relief under the Model Law, article 21, paragraph 1 must be made by filing an interlocutory application, and any supporting affidavit, in form 3.
- (2) Unless the court otherwise orders, an interlocutory application under subrule (1) and any supporting affidavit must be served in

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accordance with rule 2.7(2), but on the following persons—

- (a) the respondent;
 - (b) any person the court directed be served with the originating application by which the application for recognition was made;
 - (c) any other person the court directs.
- (3) A person who intends to appear before the court at the hearing of an application under subrule (1) must file and serve the documents mentioned in rule 2.9.

15A.9 Application to modify or terminate order for recognition or other relief

- (1) This rule applies to—
 - (a) an application under the Model Law, article 17, paragraph 4 for an order modifying or terminating an order for recognition of a foreign proceeding; and
 - (b) an application under the Model Law, article 22, paragraph 3 for an order modifying or terminating relief granted under the Model Law, article 19 or 21.
- (2) An application mentioned in subrule (1) must be made by filing an interlocutory application in form 3.
- (3) An interlocutory application for an application mentioned in subrule (1) and any supporting affidavit must be served on—
 - (a) for an application mentioned in subrule (1)(a)—the respondent and other persons who were served with, or filed a notice of appearance in relation to, the application for recognition; or

-
- (b) for an application mentioned in subrule (1)(b)—the respondent and other persons who were served with, or filed a notice of appearance in relation to, the application for relief under the Model Law, article 19 or 21.
 - (4) Unless the court otherwise orders, an applicant who applies for an order mentioned in subrule (1)(a) or (b) must—
 - (a) send a notice of the filing of the application in form 23 to each person whose claim to be a creditor of the respondent is known to the applicant; and
 - (b) publish a notice of the filing of the application in form 23 in a daily newspaper circulating generally in the State where the respondent has its principal, or last known, place of business.
 - (5) The court may direct the applicant to publish the notice in form 23 in a daily newspaper circulating generally in any State not described in subrule (4)(b).
 - (6) A person who intends to appear before the court at the hearing of an application mentioned in subrule (1)(a) or (b) must file and serve the documents mentioned in rule 2.9.

46 Replacement of sch 1A, r 16.1 (Powers of registrars)

Schedule 1A, rule 16.1—

omit, insert—

16.1 Powers of registrars

- (1) Unless the court otherwise orders, a registrar may exercise a power of the court—
 - (a) under a provision of the Corporations Act mentioned in schedule 1B, part 1, column 1

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or a provision of these rules mentioned in schedule 1B, part 1, column 2; or

Note—

See also rule 17.1(7).

- (b) under a provision of the Insolvency Practice Schedule (Corporations) mentioned in schedule 1B, part 1A, column 1 or a provision of these rules mentioned in schedule 1B, part 1A, column 2; or
 - (c) under a provision of the ASIC Act mentioned in schedule 1B, part 2, column 1 or a provision of these rules mentioned in schedule 1B, part 2, column 2.
- (2) A decision, direction or act of a registrar made, given or done under these rules may be reviewed by the court.
 - (3) An application for the review of a decision, direction or act of a registrar made, given or done under these rules must be made within—
 - (a) 21 days after the decision, direction or act complained of; or
 - (b) any further time allowed by the court.

47 Insertion of new sch 1A, pt 17

Schedule 1A, after part 16—

insert—

Part 17

**Transitional provision
for Uniform Civil
Procedure
(Corporations
Proceedings)
Amendment Rule 2018**

17.1 Transitional provision

- (1) Despite the replacement of rule 9.2 by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to the remuneration of an external administrator of a company who was appointed before 1 September 2017.
- (2) Despite the replacement of rule 9.2A by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to a review of the remuneration of an external administrator of a company who was appointed before 1 September 2017.
- (3) Despite the amendment of rule 9.3 by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to the remuneration of a provisional liquidator who was appointed before 1 September 2017.
- (4) Despite the repeal of rule 9.4 by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to the remuneration of a liquidator of a company who was appointed before 1 September 2017.
- (5) Despite the repeal of rule 9.4A by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to a review of the remuneration of a liquidator of a company who was appointed before 1 September 2017.
- (6) Despite the replacement of rule 11.2 by the amendment rule, that rule, as in force immediately before 1 September 2017, continues to apply in relation to an inquiry commenced by ASIC before that date under the old Corporations Act, section 536.
- (7) For subrule (6), a reference to an inquiry commenced under the old Corporations Act,

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section 536 includes a reference to an inquiry commenced because of the extension of that section by the Corporations Act, section 411(9), as in force from time to time before the commencement, to persons appointed under the terms of a compromise or arrangement.

- (8) Rule 16.1 applies as if the reference in subrule (1)(a) to a provision of the Corporations Act mentioned in schedule 1B, part 1, column 1 included a reference to the following provisions of the old Corporations Act—
- (a) section 449E;
 - (b) section 473(2), (3), (7) and (8);
 - (c) section 542(3)(a).
- (9) In this rule—

amendment rule means the *Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018*.

old Corporations Act means the Corporations Act as in force immediately before 1 September 2017.

Note—

The court may give directions if a difficulty arises, or doubt exists, in relation to the practice and procedure to be followed in a proceeding. See rule 1.8 and the Corporations Act, section 467(3).

48 Replacement of sch 1B (Powers of the court that may be exercised by a registrar)

Schedule 1B—

omit, insert—

Schedule 1B Powers of the court that may be exercised by a registrar

schedule 1A, rule 16.1

Part 1 Corporations Act or rules in sch 1A

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
	rule 1.8	power to give directions
	rule 2.8	power to order that notice of certain applications need not be given to ASIC
	rule 2.12	power to excuse compliance with rule 2.12
	rule 2.13	power to grant leave to creditor, contributory, officer or interested person to be heard in proceeding or be added as a respondent, etc.
	rule 2.14	power to direct an inquiry in relation to a corporation's debts, etc.
section 164		power to make an order with respect to change of status of company
section 227		power to declare that conditions prescribed by part 2E.1, division 3 have been satisfied
sections 247A and 247B		power to order inspection of books

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 252E		power to order meeting of members of registered scheme
section 254E		power to make an order validating purported issue of shares
section 283AE(2)(a)		power to appoint body corporate as trustee for debenture holders
section 283EC		power to make an order for meeting of debenture holders to direct trustee
section 283HA		power to give directions or determine any questions on application of trustee for debenture holders
section 283HB(1)		power to make an order in relation to borrowing corporations
section 283HB(1)(c)		power to order security for debentures to be enforceable
section 411	rules 3.3 and 3.4	power to make an order in relation to administration of compromise or arrangement etc.
sections 415A and 415B		power to make orders in relation to proposals considered at a meeting of creditors

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 418A		power to make declaration as to validity of controller's appointment and in relation to control of property
section 419		power to make an order relieving person who incurs liability in belief that properly appointed as a receiver
section 419A		power to relieve controller from liability
section 420B		power to authorise managing controller to dispose of property despite prior charge
section 420C		power to authorise receiver to carry on corporation's business during the winding up
section 423		power to inquire into conduct of controller
section 424		power to give directions in relation to controller's functions and powers
section 425	rule 9.1	power to fix amount of remuneration of a receiver
section 429(3)		power to extend time for report
section 434B		power to remove redundant controller
section 438D		power to direct administrator to lodge a report

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 439A(6)		power to extend the convening period fixed by section 439A(5)
section 440B		power to grant leave to enforce a security interest if an administrator has been appointed
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
section 440F		power to grant leave to begin or proceed with enforcement process in relation to the property of a company
section 440G(7)		power to authorise a court officer to take action or to make a payment that would otherwise be prohibited
section 440J		power to grant leave to take enforcement action under a guarantee
section 441D		power to limit powers of chargee in relation to charged property
section 441H		power to limit powers of receiver etc. in relation to property used by company
section 442C		power to grant leave to administrator to dispose of encumbered property

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 443B(8)		power to grant relief of administrator from personal liability for rent
section 444B(2)		power to extend time for execution of deed of company arrangement
section 444C(2)		power to grant leave to act inconsistently with deed of company arrangement
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
section 444F		power to order secured creditor or owner or lessor of property not to take certain actions
section 445B		power to make an order cancelling a variation of a deed of company arrangement
section 445D		power to make an order terminating a deed of company arrangement
section 445G		power to void or validate a deed of company arrangement

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 447A		power to make an order to bring an administration to an end
section 447B		power to make an order to protect interests of company's creditors during an administration
section 447C		power to declare whether administrator is validly appointed
section 449C		power to make an order in respect of vacancy in office of administrator
sections 459A, 459B (other than in respect of an application under part 2F.1), 459C, 459D, 459P, 459R, 459S, 459T, 461, 462, 464, 465B, 465C, 466, 467, 467A and 467B (other than in respect of an application under part 2F.1)	part 5	power to make orders in relation to winding up applications
sections 459F, 459H, 459J, 459L, 459M and 459N		power to make an order in relation to statutory demands
section 468		power in relation to validation of disposition of property

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 468A		power in relation to authorisation of the transfer of shares
section 470(2)(b)		power to direct service of copy of order on another person
section 472	rule 6.1	power to appoint registered liquidator or provisional liquidator
section 473A(1)	rule 7.2	power to fill vacancy in office of registered liquidator
section 473A(4)		power to declare what may be done by liquidator, if more than 1 liquidator is appointed by the court
section 474(2)		power to order that property vest in liquidator
section 475(8)	rule 7.3	power to grant leave for payment of costs and expenses incurred in preparing report under section 475
section 480	rule 7.5	power to release liquidator and deregister company
section 481	rule 7.7	power to order preparation of report on accounts of liquidator
section 482		power to make an order—

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
		(a) to stay the winding up of a company either indefinitely or for a limited time; or (b) to terminate the winding up of a company on a day specified in the order
section 483(1)		power to require payment of money or transfer of property
section 483(2)		power to order payment of money
section 483(3)		power to order payment of a call
section 483(4)		power to order payment of amount due into a bank named in the order
section 484	rule 8.2	power to appoint special manager
section 486		power to make an order for inspection of books by creditors or contributories
section 488(2)		power to grant leave to distribute a surplus
section 490		power to grant leave to company to wind up voluntarily

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 495(4)		power to make an order in relation to conduct of meeting in course of members' voluntary winding up
section 497(3)		power to order that list of creditors be sent to creditors in creditors' voluntary winding up
section 500		power to make an order as to execution and civil proceedings
section 507(6)		power to sanction resolution to accept shares as consideration for sale of property of company
section 507(9)		power to give directions necessary for arbitration
section 507(10)		power to approve liquidator's exercise of powers in creditors' voluntary winding up
section 509(2)		power to order ASIC to deregister company on specified day
section 510(3)		power to settle dispute as to value of security interest or amount of debt or set-off
section 532(2)		power to grant leave for person to be appointed as liquidator

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 543(1)		power to make an order as to the investment of surplus funds
section 544(2)		power to order account of funds in hands of liquidator, audit or payment of money by liquidator
section 545		power to direct liquidator to incur particular expense
section 554A	rule 14.1	power to estimate or determine value of debts and claims of uncertain value in liquidation
section 554G		power to grant leave to secured creditor to amend valuation of security interest in proof of debt
section 564		power to make an order in favour of creditors who give company indemnity for costs of litigation
sections 568, 568B, 568E and 568F		power to make an order in relation to disclaimer of onerous property
sections 583 and 585	rule 10.3	power in relation to winding up Part 5.7 bodies
section 587		power to stay or restrain proceeding
sections 596A, 596B, 596F, 597(5A) to (17), 597A and 597B	rules 11.3 and 11.6	power to make an order in relation to examinations

Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 601AH(2)		power to order reinstatement of registration of a company
section 601AH(3)		power to— (a) validate anything done between deregistration of a company and its reinstatement; or (b) make any other order the court considers appropriate
section 601BJ(2)		power to approve modification in constituent documents of registered company
section 601CC(9)		power to order restoration of name of registered Australian body to the register
section 601CL(10)		power to order restoration of name of registered foreign company to the register
section 1071D	rule 12.2	power to make an order in relation to a person summoned
section 1071F		power to make an order in relation to a company's refusal to register a share transfer
section 1071H(6)		power to make an order to remedy default in issuing certificate etc.

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Column 1 Provision of the Corporations Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 1274		power to make an order if failure to lodge, amend etc. a document
section 1303		power to order that books be available for inspection
section 1319		power to give directions with respect to meetings
section 1322		power to make an order in relation to irregularities
section 1325D		power to make an order if contravention of a provision of chapter 6, 6A, 6B or 6C due to inadvertence
section 1335		power to make an order as to costs

**Part 1A Insolvency Practice
Schedule
(Corporations) or rules
in sch 1A**

Column 1 Provision of the Insolvency Practice Schedule (Corporations)	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 20-70(3)		power to extend time to apply to ASIC for renewal of a liquidator's registration

Column 1 Provision of the Insolvency Practice Schedule (Corporations)	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 40-5(4)(b)		power to give a direction to a liquidator to lodge a document or give any information or document
section 40-10(4)(b)		power to direct a liquidator— (a) to confirm to ASIC that information is complete and correct; or (b) to complete or correct information; or (c) to notify any persons specified by ASIC of any additional or corrected information
section 45-1(1)		power to make orders in relation to a registered liquidator
section 60-10(1)(c) and (2)(b)	rule 9.2	power to determine an external administrator's remuneration
section 60-11(3)	rule 9.2A	power to review a remuneration determination for an external administrator of a company
section 60-16(1)	rule 9.3	power to determine a provisional liquidator's remuneration

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Column 1 Provision of the Insolvency Practice Schedule (Corporations)	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 65-45		power to give directions regarding the handling of money and securities by an external administrator
section 70-35(3)(c)		power to give directions in relation to destruction of the books of a company
section 70-90		power to order an external administrator to give relevant material to a person
section 75-41(3)		power to make orders in relation to proposals considered at a meeting of creditors
section 75-42(4)		power to order that a resolution passed at a meeting of creditors because of a casting vote be set aside or varied and make further orders or give further directions
section 75-43(4)		power to order that a resolution considered at a meeting of creditors is taken to have been passed and make further orders or give further directions
section 80-50(2)		power to approve a committee of inspection incurring expenses in obtaining advice or assistance

Column 1 Provision of the Insolvency Practice Schedule (Corporations)	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 80-55(5)(b)		power to give leave for a member of a committee of inspection to derive a profit or advantage
section 90-5(1)		power to inquire into the external administration of a company
sections 90-5(2) and 90-10(4)		power to require an external administrator or former external administrator to give information, provide a report or produce a document
section 90-15	rules 7.2 and 11.8	<p>power to make orders in relation to the external administration of a company, including the following—</p> <ul style="list-style-type: none"> <li data-bbox="736 1055 1126 1155">(a) determining a question arising in the external administration; <li data-bbox="736 1173 1126 1274">(b) that a person cease to be the external administrator; <li data-bbox="736 1292 1126 1423">(c) that another registered liquidator be appointed as the external administrator;

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Column 1
Provision of the
Insolvency Practice
Schedule
(Corporations)

Column 2
Provision of the
rules in schedule 1A

Column 3
Description (for information
only)

section 90-23(6) and
(9)

- (d) in relation to the costs of an action (including court action) taken by the external administrator or another person in relation to the external administration;
- (e) in relation to any loss the company has sustained because of a breach of duty by the external administrator;
- (f) in relation to remuneration, including requiring a person to repay to a company, or the creditors of a company, remuneration paid to the person as external administrator of the company

power to appoint a registered liquidator to carry out a review into a matter that relates to the external administration of a company and to specify the matters the liquidator is appointed to review and the way the cost of carrying out the review is to be determined

Column 1 Provision of the Insolvency Practice Schedule (Corporations)	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 90-28		power to make orders in relation to a review by a reviewing liquidator on the application of the reviewing liquidator, a person with a financial interest in the external administration of the company or an officer of the company
section 90-35(6)		power to order the reappointment of a former external administrator

Part 2 ASIC Act or rules in sch 1A

Column 1 Provision of the ASIC Act	Column 2 Provision of the rules in schedule 1A	Column 3 Description (for information only)
section 79(4)		power to extend period to give notice of intention to have statements made at examination admitted

Schedule 1 Other amendments

section 2

Uniform Civil Procedure Rules 1999

1 Schedule 1A, rule 1.6, note—

omit.

2 Particular references to ‘winding-up’

Each of the following rules in schedule 1A is amended by omitting ‘winding-up’ and inserting ‘winding up’—

- rule 2.4(2), note
- rule 2.9(2) and (3), note
- rule 5.3, heading
- rule 5.4, heading
- rule 5.8, heading
- rule 5.9(b)
- rule 7.4
- rule 8.1(2)(c)
- rule 8.2(2)
- rule 10.1

3 Schedule 1A, part 3, heading, ‘part’—

omit, insert—

Part

4 Schedule 1A, rule 3.1, ‘part 5.1’—

omit, insert—

Part 5.1

5 Schedule 1A, part 5, heading—

omit, insert—

Part 5

**Winding up
proceedings (including
oppression
proceedings where
winding up is sought)**

6 Schedule 1A, rule 10.3, heading, ‘part’—

omit, insert—

Part

7 Schedule 1A, rule 10.3, ‘winding-up of a part’—

omit, insert—

winding up of a Part

ENDNOTES

- 1 Made by the Governor in Council on 22 November 2018.
- 2 Notified on the Queensland legislation website on 23 November 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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