



# Supreme Court Rules (Amendment No 383) 2003

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 17 November 2003.

Steven Jupp

Secretary of the Rule Committee

## **Explanatory note**

The object of these Rules is to amend the *Supreme Court Rules 1970* to confer additional powers on Masters of the Court.

## **2003 No 882**

Rule 1 Supreme Court Rules (Amendment No 383) 2003

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## **Supreme Court Rules (Amendment No 383) 2003**

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Supreme Court Act 1970

### **1 Name of Rules**

These Rules are the *Supreme Court Rules (Amendment No 383) 2003*.

### **2 Amendment of Supreme Court Rules 1970**

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

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**Schedule 1 Amendments**

(Rule 2)

**[1] Part 60 rule 17**

Omit “and 17A” from rule 17 (a).

Insert instead “, 17A, 24, 25, 26, 27 and 28”.

**[2] Part 60 rule 17 (a1)**

Omit “paragraph 5”. Insert instead “paragraphs 5, 5A and 5B”.

**[3] Schedule D**Omit the matter relating to 55 Vict No 12; *Partnership Act 1892* from Part 1.**[4] Schedule D, Part 1**Omit the matter relating to the *Corporations Law* and the *Corporations Regulations*.**[5] Schedule D, Part 1**

Insert at the end of Part 1:

Act No 50, 2001  
(Commonwealth);  
*Corporations Act 2001*—

Section 274	Rectification of register of company charges
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Part 5.3A	Administration of company’s affairs with view to executing deed of company arrangement
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Part 5.4	Winding up
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Section 461	Winding up	Where the application is not opposed.
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## 2003 No 882

### Supreme Court Rules (Amendment No 383) 2003

#### Schedule 1 Amendments

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Part 5.4B	Winding up	Except ss 472 (2), (3) and (6), 486A, 486B and 487.
Section 495 (4)	Members' voluntary winding up: meeting	
Section 500	Creditor's voluntary winding up	
Section 504	Voluntary winding up: remuneration of liquidator	
Part 5.6	Winding up: companies	In a winding up by the court and except ss 532 (2), 536, 540 (1), 544 (2) and 568.
Part 5.7	Winding up: bodies other than companies	Except in respect of ss 532 (2), 536, 540 (1), 544 (2) and 568.
Section 597	Examination of persons concerned with corporations	
Section 1274	Directions to make good default in lodgement of documents	
Section 1319	Directions, meetings ordered by the Court	
Section 1321	Appeals from decisions of receivers, liquidators etc	Restricted to appeals in respect of decisions under section 430 (3) or 475 (8) of the <i>Corporations Act 2001</i> .

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Section 1322	Irregularities, extension of time etc	Restricted to orders or declarations in or for the purposes of proceedings for other relief under the <i>Corporations Act 2001</i> which the Master may grant.
Section 1324	Injunctions	Restricted to orders where it is alleged that there has been an inappropriate reduction of capital or share buy back.
Section 1335	Security for costs etc	
<i>Corporations Regulations 2001</i> (Commonwealth)—		
Part 5.6	Winding up	

**[6] Schedule D, Part 3**

Omit paragraph 5. Insert instead:

- 5** An appeal from, or an application for prerogative or declaratory relief relating to, the Consumer, Trader and Tenancy Tribunal.
- 5A** Proceedings referred to a master by a Judge where those proceedings are an appeal from, or an application for prerogative or declaratory relief relating to, the Administrative Decisions Tribunal.
- 5B** An appeal from a Local Court in any civil matter.

**[7] Schedule D, Part 3**

Omit paragraphs 20 and 21.

**[8] Schedule D, Part 3**

Insert at the end of Part 3:

- 24** Trial (except with a jury) of any proceedings arising out of or under the *Partnership Act 1892* or any question arising in proceedings where the plaintiff alleges the plaintiff and any defendant were partners and that the partnership has terminated.
- 25** Trial (except with a jury) of proceedings for any of the following matters:
- (a) the foreclosure or redemption of a mortgage or the enforcing of any charge or lien,
  - (b) the specific performance, rectification, delivery up or cancellation of any agreement for the sale or purchase of any property or the lease of any property,
  - (c) relief against fraud or mistake,
  - (d) the execution of a trust or a declaration that a trust subsists,
  - (e) the administration of the estate of a deceased person,
  - (f) any equitable claim or demand for recovery of money or damages, whether liquidated or unliquidated (not being a claim or demand of a kind to which paragraph (a), (b), (c), (d) or (e) applies).
- 26** Trial (except with a jury) of any proceedings in the Equity Division in which all the parties are related to each other by blood or marriage (other than adoption proceedings or matters arising in the Court's *parens patriae* jurisdiction).
- 27** Trial (except with a jury) of any proceedings arising out of or under the *Frustrated Contracts Act 1978*, the *Contracts Review Act 1980* or the *Fair Trading Act 1987*.
- 28** In proceedings in which a master has jurisdiction to determine a matter under these rules, any inherent jurisdiction of the Court to decide any associated or appendant matter in issue in the proceedings.
- 29** Any jurisdiction of the Court that is exercisable by a registrar of the Court.

BY AUTHORITY

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