

Supreme Court Act 1935  
Corporations (Ancillary Provisions) Act 2001  
Corporations Act 2001 (Commonwealth)

## **Supreme Court (Corporations) (WA) Amendment Rules 2018**

Made by the judges of the Supreme Court.

**1. Citation**

These rules are the *Supreme Court (Corporations) (WA) Amendment Rules 2018*.

**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 1 March 2018.

**3. Rules amended**

These rules amend the *Supreme Court (Corporations) (WA) Rules 2004*.

**4. Rule 1.7 amended**

In rule 1.7(2) delete “ the Principal Registrar” and insert:

a registrar

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**5. Rule 2.3 amended**

(1) In rule 2.3 delete “On” and insert:

(1) On

(2) At the end of rule 2.3 insert:

(2) If the person making the application is an authorised user, the person may print from the EDS 1 or more copies of the sealed originating process or sealed interlocutory process for service and proof of service.

(3) The Principal Registrar may delegate any function of the Principal Registrar under subrule (1) to 1 or more other officers of the Court.

(4) For the purposes of these rules, a function performed by a delegate of the Principal Registrar under this rule is taken to be a function performed by the Principal Registrar.

**6. Rule 3.5 amended**

In rule 3.5(b) and (c) delete “an office” and insert:

a

**7. Rule 6.2 amended**

In rule 6.2(2) delete “an office” (each occurrence) and insert:

a

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**8. Rule 7.1 amended**

Delete rule 7.1(1) and insert:

- (1) A liquidator appointed by the Court who wishes to resign office must file, and lodge with ASIC, a memorandum of resignation addressed to the Principal Registrar.

**9. Rule 7.7 amended**

(1) Delete rule 7.7(2)(a) and insert:

- (a) file a copy of the report —
- (i) electronically, if the Principal Registrar has given the auditor permission for it to be filed electronically; or
  - (ii) if that permission has not been given — by email, by post or by delivering it;
- and

(2) After rule 7.7(2) insert:

- (2A) When presenting a copy of the report to the Court for filing, the auditor must comply, to the extent that they are relevant, with the provisions of the *Rules of the Supreme Court 1971* Order 67A Division 3.
- (2B) Subrule (2A) does not limit rule 1.3(2).

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**10. Rule 7.11 amended**

- (1) Delete rule 7.11(2)(a) and (b) and insert:
- (a) in the case of a winding-up by the Court — by filing an interlocutory process seeking orders under the subsection; and
  - (b) in the case of a voluntary winding-up — by filing an originating process seeking orders under the subsection; and
  - (c) in either case — by complying, to the extent that they are relevant, with the provisions of the *Rules of the Supreme Court 1971* Order 67A Division 3.
- (2) Delete rule 7.11(3) and insert:
- (3) Subrule (2)(c) does not limit rule 1.3(2).

**11. Rule 11.3 amended**

Delete rule 11.3(4) and insert:

- (4) The person presenting the originating process, or interlocutory process, and supporting affidavit to the Court for filing must comply, to the extent that they are relevant, with the provisions of the *Rules of the Supreme Court 1971* Order 67A Division 3.
- (4A) Subrule (4) does not limit rule 1.3(2).

The Hon. CHIEF JUSTICE WAYNE MARTIN AC  
Chief Justice of Western Australia  
Supreme Court of Western Australia.

Date 23 February 2018.