# REGISTRARS’ CORPORATIONS MATTERS - STANDARD ORDERS

## Winding Up

**Winding-up based on presumed insolvency**

The Court orders that:

1. **[insert]** be wound up in insolvency under the *Corporations Act 2001*.
2. **[insert]** of **[insert]** be appointed as liquidator of the Defendant.
3. The Plaintiff’s costs of these proceedings be fixed in the amount of **$[insert]** and reimbursed in accordance with sub-section 466(2) of the *Corporations Act 2001.*

**OR**

The Plaintiff’s costs (including reserved costs) be taxed and reimbursed out of the property of the Defendant in accordance with s 466(2) of the *Corporations Act 2001*.

**Winding-up on other grounds**

The Court orders that:

1. **[Insert]** be wound up under the provisions of the *Corporations Act 2001*.
2. **[insert]** of **[insert]** be appointed as liquidator of the Defendant.
3. The Plaintiff’s costs of these proceedings be fixed in the amount of **$[insert]**.

**OR**

The Plaintiff’s costs of these proceedings be taxed and reimbursed out of the property of the Defendant.

## Dismissal

The Court orders that:

1. The originating process be dismissed.

**OR:** **where OP not published on insolvency website/ or where a supporting creditor applies to be substituted as the plaintiff.**

1. The Plaintiff have leave to withdraw the application for an order that the Defendant be wound up.
2. The Defendant pay the Plaintiff’s costs [fixed/ agreed in the amount of **$[insert]** ***OR*** as agreed or taxed].

**OR**

Each pay their own costs/ No order as to costs.

## Substituting Plaintiff

The Court orders that:

1. **[Insert]** be substituted as Plaintiff, and the title of the proceeding be amended accordingly.

## Adjournment/Notification

The Court orders that:

1. The Plaintiff notify the parties not appearing today () of the details of time, date and place of the next Court date and any other orders made.
2. If the Plaintiff seeks to proceed an affidavit proving notification is to be provided on the next Court date.

## xtension of Time

The Court orders that:

1. The time for determination of the originating process be extended pursuant to s 459R of the *Corporations Act 2001* to **[insert]**.

## Administrator Appointed as Liquidator

The Court orders that:

1. Leave be granted to **[insert]** under section 532(2) of the *Corporations Act 2001* to be appointed and to act as liquidator of the Defendant.

## Set Aside Statutory Demand

The Court orders that:

1. The statutory demand dated **[insert]** be set aside.

**OR**

The originating process to set aside the statutory demand issued by **[insert]** and served on **[insert]** be dismissed.

## Reinstatement

The Court orders that:

1. The Australian Securities & Investments Commission be added as a Defendant to the Proceedings;

OR

1. Directs the Plaintiff to provide a copy of these orders to ASIC within 24 hours and reserves liberty to ASIC to apply, should it seek to be heard in respect of the orders made, within 14 days.
2. The Australian Securities & Investments Commission reinstate the registration of the **[insert]** (“the Company”) pursuant to s 601AH(2) of the *Corporations Act 2001* (Cth).
3. Immediately upon re-registration, the Company **be** wound up under the Corporations Act.

**OR Where company was in liquidation at the time of deregistration**

1. Notes that immediately upon the re-registration, the Company continues in liquidation.
2. Orders that [xx] be appointed (or continue to act) as liquidator of the Company.

# GENERAL ORDERS

## Notice of Opposition

The Court orders that:

1. The Plaintiff (Applicant)/ Defendant (Respondent) file and serve any notice stating grounds of opposition and affidavit(s) in support by **[insert]**.
2. The Plaintiff (Applicant)/ Defendant (Respondent) file and serve an affidavit(s) in support of the ground(s) of opposition /or in by **[date]**.

**OR (where previous order made)**

1. The date by which the Plaintiff (Applicant)/ Defendant (Respondent) must file and serve **[insert]** is extended to **[insert]**.

## E-Lodge Document Filed in Court

The Court orders that:

1. Leave be granted to the Plaintiff (Applicant)/ Defendant (Respondent) to file in Court the affidavit of **[insert]**.
2. The Plaintiff (Applicant)/ Defendant (Respondent) eLodge the affidavit referred to in order **[insert]** by **[insert]**.

## Affidavit in Support of Adjournment

The Court orders that:

1. Unless by consent, any further adjournment application is to be supported by an affidavit to be filed and served by **[insert]**.

**OR**

1. If a further adjournment is sought, the defendant file and serve the defendant is to file and serve by [**insert dat**e] an affidavit outlining the reasons for the adjournment, including steps taken to seek legal and/or financial advice and to enter into a payment arrangement with the plaintiff.

**OR**

1. If a further adjournment is sought, the defendant is to file and serve by [**insert dat**e] an affidavit outlining the reasons for the adjournment, the steps to be taken to resolve the matter and the timeframe for doing so.
2. In the event of non-compliance with Order **[x]**, the Applicant may proceed on the originating process for a winding up order and the Court will determine the application on the filed evidence.

*NOTE*: The party applying for an adjournment is expected to confer with the other party/parties in advance of the court hearing to determine whether the adjournment application is agreed/ or will be opposed.

## Filing of Evidence

The Court orders that:

1. The Plaintiff (Applicant)/ Defendant (Respondent) file and serve any evidence on which he/ she/ it intends to rely by **[insert]**.

**OR (where previous order made)**

1. The date by which the Plaintiff (Applicant)/ Defendant (Respondent) must file and serve **[insert]** is extended to **[insert]**.