

NORTHERN TERRITORY OF AUSTRALIA
CORPORATIONS LAW AMENDMENT RULES 2007

Subordinate Legislation No. 29 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 29 of 2007*

Corporations Law Amendment Rules 2007

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 29 of the *Corporations Reform (Northern Territory) Act*, make the following rules of court.

Dated 19 July 2007.

B. MARTIN CJ

D. N. ANGEL J

S. G. THOMAS J

T. J. RILEY J

S. R. SOUTHWOOD J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 29 August 2007.

Corporations Law Amendment Rules 2007

1. Citation

These Rules may be cited as the *Corporations Law Amendment Rules 2007*.

2. Rules amended

These Rules amend the *Corporations Law Rules*.

3. Amendment of rule 1.4 (Expressions used in the Corporations Act)

Rule 1.4, note

insert (in alphabetical order)

ABN (short for "Australian Business Number") – see section 9

4. Amendment of rule 2.2 (Originating process and interlocutory process – Forms 2 and 3)

Rule 2.2(4)(b)(i)

omit

interlocutory

5. Amendment of rule 2.7 (Service of originating process or interlocutory process and supporting affidavit)

Rule 2.7(2)(a) and (b)

omit (all references)

interlocutory application

substitute

application in the interlocutory process

6. New rule 12.1B

After rule 12.1A

insert

12.1B Notification to Court where 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 section 659B(4) of the Corporations Act.

(2) The party identified in subrule (1) 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.

7. Amendment of Schedule 1

- (1) Schedule 1, Form 1

omit

ACN or ARBN: [*insert ACN or ARBN*]

substitute

ABN or ACN or ARBN: [*insert ABN or ACN or ARBN*]

- (2) Schedule 1, Form 3

omit, substitute

Form 3 – Interlocutory Process

(rule 2.2)

[*Title*]

A. DETAILS OF APPLICATION

This application is made under *section/*regulation [*number*] of the *Corporations Act/*ASIC Act/*Corporations Regulations.

On the facts stated in the supporting affidavit(s), the applicant, [*name*], applies for the following relief:

1

2

etc

AND

Date:

.....
*Signature of applicant making this application or
applicant's legal practitioner*

This application will be heard by at [*address
of Court*] at*am/*pm on

B. NOTICE TO RESPONDENT(S) (IF ANY)

TO: [*name and address of each respondent to this interlocutory process (if any).
If applicable, also state the respondent's address for service.*]

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

Note Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

* *Omit if not applicable.*

C. FILING

This interlocutory process is filed by [*name*] for the applicant.

D. SERVICE

The applicant's address for service is [*address of applicant's legal practitioner or
of applicant*].

*It is not intended to serve a copy of this interlocutory process on any person.

OR

*It is intended to serve a copy of this interlocutory process on each respondent and on any person listed below:

[*name of respondent and any other person on whom a copy of the interlocutory
process is to be served*]

[***Complete the following section if the time for service has been abridged***]

Corporations Law Amendment Rules 2007

The time by which a copy of this interlocutory process is to be served has been abridged by order made by [*name of Judge*] on [*date*] to [*time and date*].

* *Omit if not applicable*

(3) Schedule 1, Forms 9 to 12, 15 and 16

omit

ACN: [*ACN of company to which proceeding relates*]

substitute

ABN or ACN: [*ABN or ACN of company to which proceeding relates*]