

# Form CORP 2 Originating Process

Form CORP 2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b>

## ORIGINATING PROCESS

SUPREME COURT OF SOUTH AUSTRALIA  
CIVIL JURISDICTION  
Corporations List

IN THE MATTER OF *[full name of corporation to which the proceeding relates and, if applicable, the words '(in liquidation)', '(receiver appointed)', '(receiver and manager appointed)', '(controller acting)', or '(under administration)']*

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

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Applicant	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)	
Name of law firm / solicitor If any	Law Firm	Solicitor

Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)			
Address	Street Address including unit or level number and name of property if required			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type – Number			
Service	<input type="checkbox"/> Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

## A. Details of Application

This Application is for

State briefly the nature of the proceeding, eg application for winding-up on ground of insolvency; or complaint about a receiver

This Application is made under [section or other particular provision] of the

Delete inapplicable section below or mark applicable section below with an 'x'

- Corporations Act 2001 (Cth).  
 Australian Securities and Investments Act 2001 (Cth).  
 Cross-Border Insolvency Act 2008 (Cth).  
 Corporations Regulations 2001 (Cth).  
 [other] .

On the facts stated in the supporting affidavit, the Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

1.

## B. Application for Winding Up on Ground of Insolvency

Complete this section if this originating process is seeking an order that a company be wound up in insolvency on the ground that the company has failed to comply with a statutory demand (see section 459Q of the Corporations Act)

[Set out particulars of service of the statutory demand on the company and of the failure to comply with the demand]

Attach to this originating process a copy of the statutory demand and, if the demand has been varied by an order made under subsection 459H (4) of the Corporations Act because of a dispute or offsetting claim, a copy of the order made under that subsection.

The affidavit in support of this originating process must:

- (a) verify service of the demand on the company; and
- (b) verify the failure of the company to comply with the demand; and
- (c) state whether and, if so, to what extent the debt, or each of the debts, to which the demand relates is still due and payable at the date when the affidavit is made.

## Notice to the Respondent(s)

TO: the Respondent(s) named in this Originating Process

This Application will be considered at the hearing at the date and time set out at the top of this document. If you or your legal practitioner do not appear before the Court at that time, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- a) the application may be heard and final relief given;
- b) directions may be given for the future conduct of the proceeding;
- c) any interlocutory application may be heard.

Before appearing before the Court, you must file a Notice of Appearance, in the prescribed form, in the Registry and serve a copy of it on the Applicant.

## 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.

## Service

Complete the following section if the time for service has been abridged

The Court ordered that the time for serving this originating process be abridged to [date].

[ ] It is not intended to serve this originating process on any person.

[ ] It is intended to serve this originating process on each other party and on any person listed below:

[name of other parties and any other person on whom the Originating Process is to be served].

## Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Originating Process is a:

- ] Multilingual Notice (mandatory)
- ] Supporting Affidavit (mandatory)
- ] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- ] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- ] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
  
- ] If other additional document(s) please list them below: