



DUST DISEASES TRIBUNAL OF NSW

ADVICE TO PRACTITIONERS (No.2 of 2021)

DEREGISTERED COMPANIES AS PARTIES

1 Plaintiffs sometimes sue a deregistered company as a defendant in a Statement of Claim, with a view to later applying under the *Corporations Act 2001* (Cth) for the company to be restored to the Register.

2 In many of these cases the plaintiff settles with all of the “live” defendants and does not wish to restore the deregistered company to the Register or otherwise pursue proceedings against it. For all practical purposes the proceedings are then at an end.

3 In those circumstances the Registrar will refer the file to a judge of the Tribunal to make an order in Chambers dismissing the proceedings against the deregistered company, pursuant to Rule 13.4 of the *Uniform Civil Procedure Rules 2005* (NSW).

4 Such dismissal will not operate to prevent the plaintiff from bringing fresh proceedings against the company: s 91 *Civil Procedure Act 2005* (NSW).

5 The Registrar will notify the plaintiff’s solicitor of this proposed course of action. If a plaintiff opposes the dismissal of the proceedings against the deregistered company, the Registrar will list the matter in a Monday Directions List for submissions.

Daniel Watson
Registrar
18 October 2021