



Administrative Departmental documents sent to Post Office in connection with making of this legislation. Ex. Co. Secretariat: please complete this form by inscription of signature and date of making, and send to: Legislative Services Section, Office of Legislative Drafting, Attorney-General's Department.



Federal Court Amendment Rules 1999 (No. 1)

Statutory Rules 1999 No. *1*

15

We, Judges of the Federal Court of Australia, make the following rules of court under the *Federal Court of Australia Act 1976*.

Dated *1* 1999.

5 February

M.E.J. BLACK C.J.
 J.F. GALLOP J.
 B.A. BEAUMONT J.
 M.R. WILCOX J.
 J.E.J. SPENDER J.
 J.C.S. BURCHETT J.
 J.A. MILES J.
 D.M. RYAN J.
 R.S. FRENCH J.
 M.C. LEE J.
 J.W. von DOUSSA J.
 D.G. HILL J.
 M.F. O'LOUGHLIN J.
 D.F. O'CONNOR J.
 T.J. HIGGINS J.

P.C. HEEREY J.
D.P. DRUMMOND J.
R.E. COOPER J.
A.P. WHITLAM J.
C.J.S.M. CARR J.
M.F. MOORE J.
C.M. BRANSON J.
J.H. MATHEWS J.
K.E. LINDGREN J.
B.J.M. TAMBERLIN J.
R. SACKVILLE J.
S.M. KIEFEL J.
R.D. NICHOLSON J.
P.D. FINN J.
R.A. SUNDBERG J.
S.R. MARSHALL J.
J.R.F. LEHANE J.
A.M. NORTH J.
R.N. MADGWICK J.
R. MERKEL J.
J.R. MANSFIELD J.
A.H. GOLDBERG J.
A.R. EMMETT J.
R.A. FINKELSTEIN J.
M.S. WEINBERG J.
L.S. KATZ J.
P.G. HELY J.
S.C. KENNY J.

Judges of the Federal
Court of Australia

W.G. SODEN
Registrar



Federal Court Amendment Rules 1999 (No. 1)¹

Statutory Rules 1999 No. 1²

15

made under the

Federal Court of Australia Act 1976

Contents

	Page
1 Name of rules	2
2 Commencement	2
3 Amendment of Federal Court Rules	2
Schedule 1 Amendments	3

1999, 1

Federal Court Amendment Rules 1999 (No. 1)

1

15

1 Name of rules

These rules are the *Federal Court Amendment Rules 1999 (No. 1)*.

2 Commencement

These rules commence on gazettal.

3 Amendment of Federal Court Rules

Schedule 1 amends the Federal Court Rules.

Schedule 1 Amendments

(rule 3)

[1] Order 27, subrule 9 (1)

substitute

- (1) The Court may, of its own motion or on the motion of any person having a sufficient interest, set aside the subpoena wholly or in part.

[2] Order 58, subrule 1 (1), definition of *decision*

omit

Commissioner or Secretary, as the case may be;

insert

Commissioner;

[3] Order 58, subrule 1 (1), definition of *Secretary*

omit

[4] Order 58, Part II, heading

substitute

Part II Appeals from decision, etc of Commissioner

[5] Order 58, subrule 4 (1)

omit

or Secretary

[6] Order 58, subrule 4 (2A)

omit

or Secretary, as the case requires,

[7] Order 58, subrule 4 (4)

omit

or Secretary, as appropriate,

[8] Order 58, rule 6, heading

substitute

6 Provision of documents by Commissioner

[9] Order 58, rule 6

omit

or Secretary, as the case may be, shall:

insert

must:

[10] Order 58, paragraph 6 (a)

omit

or Secretary's

[11] Order 58, subrule 8 (1)

omit

or Secretary

[12] Order 58, rule 9

omit

or Secretary

[13] Order 77, subrule 22 (1)

substitute

- (1) This rule applies if the Court dismisses a creditor's petition or grants leave for a creditor's petition to be withdrawn.

[14] Order 77, after rule 22

insert

22A Order extending petition

- (1) This rule applies if the Court makes an order under subsection 52 (5) of the Bankruptcy Act.
- (2) Within 2 days after the order is made, the applicant creditor must:
- (a) enter the order; and
 - (b) give a copy of the order to:
 - (i) any person who has consented to act as the trustee of the debtor's estate under section 156A of the Bankruptcy Act; and
 - (ii) the Official Receiver for the District in which the order was made.

Notes

1. These rules amend Statutory Rules 1979 No. 140, as amended by 1980 No. 87; 1982 Nos. 217 and 408; 1983 No. 264; 1984 Nos. 9 and 258; 1985 Nos. 16, 97, 168 and 227; 1986 Nos. 61, 157 and 324; 1987 Nos. 73, 174 and 197; 1988 Nos. 14, 54, 144, 217 and 306; 1989 Nos. 50, 253 and 318; 1990 Nos. 72, 102, 276, 319, 414 and 453; 1991 Nos. 70, 249, 395 and 461; 1992 Nos. 43, 44, 86, 87, 186, 330, 421 and 453; 1993 No. 40, 45, 137, 225 and 290; 1994 Nos. 63, 130, 224, 279, 332 and 463; 1995 Nos. 31, 46, 239 and 449; 1996 Nos. 29 and 308; 1997 Nos. 82, 87, 143, 174, 204, 277 and 425; 1998 Nos. 224, 297 and 323.
2. Made by a majority of Judges of the Federal Court of Australia on
 / 1999, and notified in the *Commonwealth of Australia*
Gazette on / 1999.

5 February
17 February