

# Federal Court Amendment Rules 1999 (No. 2) 1999 No. 70

## EXPLANATORY STATEMENT

Statutory Rule 1999 No.70

Issued by the authority of the Judges of the Federal Court of Australia

Federal Court Amendment Rules 1999 (No. 2)

Section 59 of the *Federal Court of Australia, Act 1976* permits the Judges of the Court or a majority of them, to make rules of Court not inconsistent - with the Act. These rules may provide for the practice and procedure to be followed in the Court and in Registries of the Court. They may extend to all matters incidental to my such practice. or procedure that are necessary or convenient to be prescribed for the conduct of any, business of the Court.

Under sub-section 59(4) of the *Federal Court of Australia Act 1976*, sections 48, 48A, 48B, 49 and 50 of the Acts *Interpretation Act 1901* which relate to the making of regulations, apply to, these Rules of Court as if references: to the regulations in, those sections were references to Rules of Court.

The present Federal Court Rules came into operation on, 1 August 1979. They are reviewed regularly.

### RULE 1 Name of rules

This rule provides, that the rules are the *Federal Court Amendment Rules 1999 (No. 2)*.

### RULE 2 - Commencement

This rule provides that, these rules, commence on gazettal.

### **RULE 3 Amendment of Federal Court Rules**

This rule provides that the Federal Court Rules are amended as set out in Schedule 1.

### SCHEDULE 1 **Amendments**

#### **Native Title Rules amendment**

[1] Order 78, Subrule 7 (3)

The amendment amends 0 78 r 7 (3) to permit a claimant application to be amended in circumstances where the amendment sought is combine the particular claimant application with one or more other claimant applications.

The use of the expression "combined" has. been taken from s, 64 (2) (b) of the Native Title Act 1993, and see also Strickland v Western Australia 119991 FCA 221 (RD Nicholson J).

H:Principal Registry/Rules Committee/explanatory statement (NT amendment).doc