



Federal Court Legislation Amendment Rules 2024

We, Judges of the Federal Court of Australia, make the following Rules of Court.

Dated 22 May 2024

D S MORTIMER CJ
B J COLLIER J
J A LOGAN J
N PERRAM J
J V NICHOLAS J
D M YATES J
M BROMBERG J
A J KATZMANN J
B M MURPHY J
D C RANGIAH J
M A WIGNEY J
M A PERRY J
J B R BEACH J
B S MARKOVIC J
M K MOSHINSKY J
R J BROMWICH J
N CHARLESWORTH J
S C G BURLEY J
D J O'CALLAGHAN J
M B J LEE J
S C DERRINGTON J
K F BANKS-SMITH J
C G COLVIN J
T M THAWLEY J
M F WHEELAHAN J
A M STEWART J
D J JACKSON J
J L SNADEN J
S M ANDERSON J
W J ABRAHAM J
J A HALLEY J
E A CHEESEMAN J
H M J ROFE J

K E DOWNES J
S A GOODMAN J
P O'SULLIVAN J
S B MCELWAIN J
M J FEUTRILL J
F M R MEAGHER J
T J F MCEVOY J
L A HESPE J
E RAPER J
G R KENNETT J
C G BUTTON J
I M JACKMAN J
E J KYROU J
C J HORAN J
Y SHARIFF J
P A NESKOVICIN J
C W DOWLING J

Judges of the Federal Court
of Australia

Chief Executive Officer and Principal Registrar

Contents

1	Name	1
2	Commencement.....	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendment of the Federal Court Rules 2011		2
Part 1—Sexual harassment actions		2
<i>Federal Court Rules 2011</i>		2
Part 2—Powers of Registrars		3
<i>Federal Court Rules 2011</i>		3
Part 3—Service outside Australia		11
<i>Federal Court Rules 2011</i>		11
Part 4—Service in proceedings under particular acts		12
<i>Federal Court Rules 2011</i>		12
Part 5—Applications under the Trans-Tasman Proceedings Act		13
<i>Federal Court Rules 2011</i>		13
Part 6—Costs allowable for work done and services performed		14
<i>Federal Court Rules 2011</i>		14
Part 7—Other amendments		15
<i>Federal Court Rules 2011</i>		15
Part 8—Transitional provisions		16
<i>Federal Court Rules 2011</i>		16
Schedule 2—Amendment of the Federal Court (Bankruptcy) Rules 2016		17
<i>Federal Court (Bankruptcy) Rules 2016</i>		17
Schedule 3—Amendment of the Federal Court (Corporations) Rules 2000		21
Part 1—Amendments relating to the process for seeking inquiry or order		21
<i>Federal Court (Corporations) Rules 2000</i>		21
Part 2—Powers of Registrars		22
<i>Federal Court (Corporations) Rules 2000</i>		22
Schedule 4—Amendment of the Federal Court (Criminal Proceedings) Rules 2016		32
<i>Federal Court (Criminal Proceedings) Rules 2016</i>		32

1 Name

These Rules are the *Federal Court Legislation Amendment Rules 2024*.

2 Commencement

- (1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of these Rules	The day after these Rules are registered.	

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

- (2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

3 Authority

These Rules are made under the *Federal Court of Australia Act 1976*.

4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Amendment of the Federal Court Rules 2011

Part 1—Sexual harassment actions

Federal Court Rules 2011

1 Paragraph 34.01(2)(a)

Omit “34.05” (wherever occurring), substitute “34.05A”.

2 After rule 34.05

Insert:

34.05A Application in relation to alleged sexual harassment

- (1) A person who wants to make an application for an order in relation to an alleged contravention of section 527D(1) of the Fair Work Act must file an originating application, in accordance with Form 81A.

Note: Section 527T(3) of the Fair Work Act sets out the specified periods in which a sexual harassment application can be made to the Court.

- (2) The application must include any other claim for relief that the applicant wants to make in addition to the claim mentioned in subrule (1).
- (3) The application must be accompanied by a certificate issued by the Fair Work Commission under the Fair Work Act that the Fair Work Commission is satisfied that all reasonable attempts to resolve the dispute have been, or are likely to be, unsuccessful.

Note: Sections 545 and 546 of the Fair Work Act set out the orders the Court may make.

- (4) Subrule (3) does not apply to a sexual harassment court application that includes an application for an interim injunction.

Part 2—Powers of Registrars

Federal Court Rules 2011

3 Subrule 3.01(3) (not including the notes)

Repeal the subrule.

4 Subrule 3.01(3) (note 2)

Repeal the note.

5 Part 3.2 of Schedule 2 (at the end of the table)

Add:

15	Section 48	Power to grant leave for remote appearances unrelated to remote evidence
16	Section 50	Power to grant leave for remote appearances related to remote evidence
17	Section 68	Power to register NZ judgments
18	Section 76	Power to stay enforcement of registered NZ judgment

6 Part 3.3 of Schedule 2

Repeal the Part, substitute:

Part 3.3—Federal Court of Australia Act 1976

Item	Provision	Description (for information only)
21	Section 31A(1)	Power to give summary judgment for a prosecuting party
22	Section 31A(2)	Power to give summary judgment for a defending party
23	Section 32AB(1)	Power to order the transfer of a proceeding to the Federal Circuit and Family Court of Australia (Division 2)
24	Section 32AB(7)	Power to make a necessary order pending the disposal of a proceeding by the Federal Circuit and Family Court of Australia (Division 2)
25	Sections 37AF and 37AI	Power to make an order prohibiting or restricting the publication or other disclosure of particular evidence or the name of a party or witness
26	Section 37N(3)	Power to require a party's lawyer to give the party an estimate of the likely duration of the proceeding or part of the proceeding and of the likely amount of costs the party will have to pay in connection with the proceeding or part of the proceeding
27	Section 37P(2)	Power to give directions about the practice and procedure to be followed in relation to the proceeding or any part of the proceeding
28	Section 37P(5)	Power to make such order or direction as is appropriate when a party fails to comply with a direction about the practice and procedure to be followed in relation to the proceeding or any part of the proceeding

Schedule 1 Amendment of the Federal Court Rules 2011

Part 2 Powers of Registrars

Item	Provision	Description (for information only)
29	Section 43	Power to award costs of or in connection with an application heard by a Registrar
30	Section 47(1)	Power to direct or allow the manner of giving of testimony in a proceeding other than the trial of a cause
31	Section 47(3)	Power to direct or allow proof by affidavit at the trial of a cause
32	Section 47(4)	Power to permit the use of an affidavit without cross-examination of the maker
33	Section 47(5)	Power to order the manner of giving of testimony at the trial of a cause
34	Section 47A(1)	Power to direct or allow testimony to be given by video link, audio link or other appropriate means
35	Section 47B(1)	Power to direct or allow a person to appear or to make a submission by video link, audio link or other appropriate means
36	Section 47D	Power to direct or allow a document to be put to a person who is appearing or being examined by video link, audio link or other appropriate means
37	Section 47E(b)	Power to allow another person to administer oath or affirmation to a remote person
38	Section 47F(1)	Power to make an order for payment of expenses incurred in connection with the giving of testimony, appearance or the making of submissions by video link, audio link or other appropriate means
39	Section 48	Power to direct a change of venue for a proceeding or part of a proceeding
40	Section 51(2)	Power to make an order declaring that a proceeding is not invalid by reason of an irregularity or formal defect
41	Section 52(2)	Power to fix a rate of interest that is lower than that fixed by section 52(2)
42	Section 53A(1)(b)	Power to refer proceedings, or a part of proceedings, to a mediator for mediation
43	Section 56(1)	Power to order an applicant or appellant to give security for costs
44	Section 56(2)	Power to direct the amount, the time for giving, and the manner and form of security
45	Section 56(3)	Power to reduce or increase the amount of security
46	Section 56(3)	Power to vary the time of giving or the manner and form of security
47	Section 56(4)	Power to order that a proceeding or appeal be dismissed

7 Part 3.7 of Schedule 2

Repeal the Part, substitute:

Part 3.7—Federal Court Rules 2011

Item	Provision	Description (for information only)
91	Rule 1.04(3)	Power to order that the Federal Court Rules as in force immediately before 1 August 2011 apply to a step in a proceeding
92	Rule 1.33	Power to make an order subject to conditions

Item	Provision	Description (for information only)
93	Rule 1.34	Power to dispense with compliance with a requirement of the Rules
94	Rule 1.35	Power to make an order inconsistent with these Rules
95	Rule 1.38	Power to fix the time within which an act or thing is to be done
96	Rule 1.39	Power to make an order to extend or abridge a time
97	Rule 1.40	Power to exercise a power on a Registrar's own initiative or on the application of a person who has a sufficient interest in the proceeding
98	Rule 1.41	Power to give judgment or make an order even if the applicant has not made a claim for that relief
99	Rule 1.42	Power to specify in an order the consequences of non-compliance
100	Rule 2.02	Power to transfer a proceeding to another place
101	Rule 2.28	Power to make an order to remove from a court file documents accepted for filing
102	Rule 2.29	Power to make an order for redaction of a document on a court file
103	Rule 2.31	Power to approve removal of documents from a Registry
104	Rule 2.32(4)	Power to give leave to a person to inspect and copy a document in a proceeding
105	Rule 2.43	Power to order that money be paid out of a Litigants' Fund
106	Rule 4.01(2), Note 3	Power to give leave to a corporation to proceed otherwise than by a lawyer
107	Rule 4.05	Power to give leave to a lawyer to file or serve a notice of change
108	Rule 4.12	Power to refer a litigant for referral to a Pro Bono lawyer
109	Rule 5.02	Power to make an order about the time when a notice of address for service must be served
110	Rule 5.04	Power at any hearing, to make directions for the management, conduct and hearing of a proceeding
111	Rule 5.05	Power to adjourn a directions hearing from time to time
112	Rule 5.06	Power, in relation to a cross-claim, to make directions or orders for the management, conduct and hearing of the cross-claim
113	Rule 5.08	Power to hear and determine a proceeding on a directions hearing
114	Rule 5.21	Power to make self-executing orders
115	Rule 5.23	Power to make an order if a party is in default as provided in rule 5.22
116	Rule 6.01	Power to: (a) remove from the Court file a document containing matter that is scandalous, vexatious or oppressive (b) strike such matter from the document
117	Rule 6.11	Power to grant leave for the use of a recording device or communication device in a place where a hearing is taking place
118	Rule 7.01(1)(b)	Power to make an order about property
119	Rule 7.22	Power to order discovery to ascertain description of respondent
120	Rule 7.23	Power to order a prospective respondent to make discovery to a prospective applicant
121	Rule 7.29	Power to make an order for costs and expenses
122	Rule 7.29	Power to make an order for security for costs and expenses

Schedule 1 Amendment of the Federal Court Rules 2011
Part 2 Powers of Registrars

Item	Provision	Description (for information only)
123	Rule 8.21	Power to order that: (a) a document be amended; or (b) a party have leave to amend a document
124	Rule 9.02	Power to give leave for 2 or more persons to be joined as applicants or respondents in a proceeding
125	Rule 9.05	Power to order that a person be added as a party to a proceeding and make an order for the filing and service of documents in the proceeding
126	Rule 9.08	Power to order that a person cease to be a party to a proceeding and make an order for the further conduct of the proceeding
127	Rule 9.09	Power to make an order for the joinder or removal of a party following the assignment, transmission or devolution of a party's interest or liability, or for the future conduct of a proceeding
128	Rule 9.10	Power to order that a proceeding be dismissed if a party is not substituted for a deceased party
129	Rule 9.10, Note	Power to make an order for the service of an order mentioned in rule 9.10
130	Rule 9.12	Power to give leave to a person to intervene in a proceeding, determine the terms and conditions on which the person is to intervene and determine the rights, privileges and liabilities of the intervener
131	Rule 9.63	Power to make an order appointing a person as a litigation representative
132	Rule 9.65(1)	Power to make an order that a litigation representative be removed
133	Rule 9.65(2)	Power to make an order that proceedings be stayed until a replacement litigation representative has been appointed
134	Rule 10.23	Power to order that a document be taken to have been served on a person on a specified date
135	Rule 10.24	Power to order substituted service
136	Rule 10.26	Power to make an order about service of a notice or other document by the Court or an officer of the Court
137	Rule 11.01	Power to make an order about a person's address for service
138	Rule 13.01	Power to make an order about an originating process
139	Rule 14.01	Power to make an order about property, a document or information
140	Rule 14.24	Power to fix remuneration for a receiver
141	Rule 15.13	Power to make an order in relation to a cross-claim
142	Rule 15.15	Power to make an order in relation to an amendment of a notice of cross-claim
143	Rule 16.21	Power to order that the whole or a part of a pleading be struck out
144	Rule 16.31	Power to make an order varying the times for filing and serving pleadings in a proceeding
145	Rule 16.45	Power to order a party to file and serve particulars or a statement of the nature of the party's case
146	Rule 16.52	Power to make an order disallowing an amendment of a pleading
147	Rule 16.53	Power to grant leave to amend a pleading
148	Rule 16.54	Power to order when an amendment of a document takes effect

Item	Provision	Description (for information only)
149	Rule 16.59	Power to make an order about the procedure for amendment of a document
150	Rule 16.60	Power to make an order about the service of an amended document
151	Rule 17.01	Power to make an order about the time for service of an interlocutory application
152	Rule 17.03	Power to make an order in relation to service of an interlocutory application
153	Rule 17.04	Power to hear and dispose of an application in the absence of a party
154	Rule 19.01	Power to make an order directing the manner, time and terms for giving security for costs
155	Rule 19.01(1)(b)	Power to order that a proceeding be stayed until security is provided
156	Rule 19.01(1)(c)	Power to order that a proceeding be stayed or dismissed if security is not provided
157	Rule 20.03(2)	Power to make an order about the use of a document
158	Rule 20.13	Power to order a party to give discovery in accordance with Division 20.2
159	Rule 20.15	Power to order that non-standard or more extensive discovery be made
160	Rule 20.16	Power to make an order about the manner and time within which discovery must be given
161	Rule 20.17(3)	Power to make an order about the form and content of a list of discovered documents
162	Rule 20.21	Power to order a party to file and serve an affidavit relating to a particular document or class of documents
163	Rule 20.22(2)	Power to order who can make an affidavit for discovery
164	Rule 20.23	Power to order a person who is not a party to make discovery to a party
165	Rule 20.25	Power to make an order for security for costs or for costs and expenses of a person ordered to make discovery pursuant to rule 20.23
166	Rule 20.31(3)	Power to order production of document for inspection
167	Rule 20.32	Power to order a party to produce a document or thing for inspection
168	Rule 20.33	Power to order production from non-party
169	Rule 20.35	Power to: (a) order a party to produce a document to the Court; and (b) inspect a document for the purpose of deciding the validity of a claim for privilege or other objection to production
170	Rule 21.01	Power to order a party to provide written answers to interrogatories
171	Rule 21.03	Power to make orders about answers to interrogatories
172	Rule 21.03	Power to: (a) require a party to specify the party's grounds for objecting to an interrogatory; and (b) determine the sufficiency of the objection

Schedule 1 Amendment of the Federal Court Rules 2011
Part 2 Powers of Registrars

Item	Provision	Description (for information only)
173	Rule 21.04	Power to specify who may make an affidavit verifying a party's written answers to interrogatories
174	Rule 21.05	Power to make an order if a party fails to answer an interrogatory sufficiently
175	Rule 22.03	Power to make an order about the payment of the costs of proof of a fact
176	Rule 23.01	Power to appoint expert
177	Rule 23.15	Power to make orders about the evidence of expert witnesses
178	Rule 24.01	Power to give leave to issue a subpoena
179	Rule 24.12	Power to order an addressee, by subpoena: (a) to attend to give evidence; or (b) to produce documents; or (c) to do both of those things
180	Rule 24.15	Power to set aside a subpoena in whole or part, or grant other relief
181	Rule 24.15	Power to order that an applicant give notice of an application to set aside a subpoena
182	Rule 24.19	Power to give a direction for the removal, return, inspection, copying and disposal of a document or thing
183	Rule 24.20	Power to give leave to inspect a document or thing
184	Rule 24.22	Power to make an order dealing with payment of reasonable loss or expense incurred in complying with a subpoena
185	Rule 26.01(1)	Power to give summary judgment for a party
186	Rule 26.01(5)(b)	Power to stay enforcement of a summary judgment
187	Rule 26.11	Power to give leave to a party to withdraw an admission or other matter operating for the benefit of another party
188	Rule 26.12(2)(c)	Power to give leave to discontinue all or part of a proceeding
189	Rule 26.12(7)	Power to make an order about the payment of costs for the whole or part of a proceeding that is discontinued without leave
190	Rule 26.15	Power to stay a further proceeding until costs are paid
191	Rule 28.02	Power to: (a) make an order referring any proceeding or any part of a proceeding to arbitration, mediation or an alternative dispute resolution process; and (b) adjourn or stay the proceeding; and (c) order the arbitrator, mediator or person appointed to conduct the alternative dispute resolution process to report to the Court
192	Rule 28.03	Power to make orders about arbitration, mediation or other alternative dispute resolution process
193	Rule 28.04	Power to terminate a mediation or alternative dispute resolution process
194	Rule 29.06	Power to make an order about the filing of an affidavit that is irregular in form
195	Rule 29.07	Power to give leave to use an affidavit
196	Rule 29.08	Power to give a direction about the service of an affidavit
197	Rule 29.09	Power to give leave to use an affidavit if the maker of the affidavit fails to attend for cross-examination

Item	Provision	Description (for information only)
198	Rule 30.01	Power to make an order for the decision of a question to be heard separately from another question
199	Rule 30.01, Note 1	Power to make an order for the statement of a case and the question for decision
200	Rule 30.11	Power to order that several proceedings be consolidated, tried at the same time or in a specified order, or stayed until the determination of one of the proceedings
201	Rule 30.21	Power to make an order if a party is absent when a proceeding is called on for trial
202	Rule 30.21	Power to set aside or vary an order made in the absence of a party and make an order for the further conduct of a proceeding
203	Rule 30.22	Power to adjourn a proceeding or strike out a proceeding if no party appears at trial
204	Rule 30.23	Power to make an order limiting time for or the number of witnesses that a party may call, or documents that a party may tender, or make an order as to the length and manner of submissions
205	Rule 30.24	Power to give judgment and make an order for entry of judgment after the death of a party
206	Rule 30.25	Power to give leave to a party to read evidence taken or an affidavit filed in other proceedings
207	Rule 30.28	Power to make an order about the production of a document or thing on notice
208	Rule 30.33	Power to: (a) make an order requiring the production of a party who is in lawful custody to a proceeding before the Court; and (b) make an order in relation to the continuing custody of the party
209	Rule 30.34	Power to make an order for the attendance of a person for examination, or for the attendance of the person and the production of a document or thing by the person
210	Rule 33.22	Power to make directions
211	Rule 36.09	Power to order security for costs of appeal
212	Rule 36.11	Power to give a direction for the conduct of an appeal
213	Rule 39.01	Power to order that a judgment or order take effect on a specified date
214	Rule 39.02	Power to order the time for compliance with an order
215	Rule 39.04	Power to vary or set aside a judgment or order before it has been entered
216	Rule 39.05	Power to vary or set aside a judgment or order after it has been entered
217	Rule 39.11	Power to make an order in the terms of a written consent of the parties
218	Rule 39.32	Power to direct that an order be entered
219	Rule 39.35	Power to direct that an order be entered by being authenticated in Court
220	Rule 40.02	Power to make an order about the amount of costs
221	Rule 40.03	Power to make an order about reserved costs
222	Rule 40.06	Power to make an order about disallowance of costs

Schedule 1 Amendment of the Federal Court Rules 2011

Part 2 Powers of Registrars

Item	Provision	Description (for information only)
223	Rule 40.07	Power to do any of the following: (a) disallow costs; (b) direct a lawyer to repay costs; (c) direct a lawyer to indemnify another party
224	Rule 40.13	Power to make an order about when costs must be taxed
225	Rule 40.51	Power to make an order specifying the maximum costs that may be recovered in a proceeding
226	Rule 41.01	Power to give a direction for the enforcement or execution of an order
227	Rule 41.10	Power to make an order, issue a writ or take another step to enforce a judgment or order

Part 3.8—Fair Work Act 2009

Item	Provision	Description (for information only)
241	Section 370(a)(ii)	Power to extend the time for a general protections court application to be made

Part 3—Service outside Australia

Federal Court Rules 2011

8 Rule 10.42

Before “may be served”, insert “, together with each document required to accompany the application by rule 8.05, rule 10.43B or any other rule of the Court,”.

9 Subrule 10.43(1)

Before “may be served”, insert “, together with each document required to accompany the application by rule 8.05, rule 10.43B or any other rule of the Court,”.

Part 4—Service in proceedings under particular acts

Federal Court Rules 2011

10 Rules 10.07 and 10.08

Repeal the rules, substitute:

10.07 Service in a proceeding under the Patents Act 1990

- (1) In a proceeding brought against a patentee (the *respondent*) in relation to a cause of action under the *Patents Act 1990*, a document to be served on the respondent may be served, if the respondent has an address for service under section 221 of the *Patents Act 1990*, by sending it to the respondent at that address for service in accordance with section 221 of the *Patents Act 1990*.
- (2) In an appeal brought against either:
 - (a) an applicant for the grant of a standard patent under section 60(4) of the *Patents Act 1990* (the *applicant*); or
 - (b) a patentee for the grant of an innovation patent under section 101N(7) of the *Patents Act 1990* (the *patentee*);a document to be served on the applicant or patentee (as the case may be) may be served, if the applicant or patentee has an address for service under section 221 of the *Patents Act 1990*, by sending it to the applicant or patentee at that address for service in accordance with section 221 of the *Patents Act 1990*.
- (3) In an appeal brought against either:
 - (a) an opponent to the grant of a standard patent under section 60(4) of the *Patents Act 1990* (the *opponent*); or
 - (b) an opponent to an innovation patent under section 101N(7) of the *Patents Act 1990* (the *opponent*);a document to be served on the opponent may be served, if the opponent provided the applicant with an address for service within Australia at the time that it filed its notice of opposition to the grant of the standard patent or to the innovation patent, by sending it to the opponent at that address for service.

10.08 Service in a proceeding under the Trade Marks Act 1995

In a proceeding brought against either:

- (a) the owner of a registered trade mark (the *respondent*) in relation to a cause of action under the *Trade Marks Act 1995*; or
 - (b) a party in an appeal from a decision of the Registrar of Trade Marks under section 56 or 104 of the *Trade Marks Act 1995* (the *respondent*);
- a document to be served on the respondent may be served, if the respondent has an address for service under section 215 of the
- Trade Marks Act 1995*
- , at that address for service in accordance with section 215 of the
- Trade Marks Act 1995*
- .

Part 5—Applications under the Trans-Tasman Proceedings Act

Federal Court Rules 2011

11 Subrule 34.63(1)

After “Trans-Tasman Proceedings Act”, insert “(other than under section 67 of that Act)”.

12 At the end of rule 34.63

Add:

- (3) An application under section 67 of the Trans-Tasman Proceedings Act must be made in accordance with subsection 67(5) of that Act.

Part 6—Costs allowable for work done and services performed

Federal Court Rules 2011

13 Item 1A of Schedule 3

Repeal the item, substitute:

1A Application of this Schedule

1A.1 This Schedule, as amended by the *Federal Court Legislation Amendment Rules 2024*, applies to work done or services performed on or after the commencement of those Rules.

14 Amendments of listed provisions—Schedule 3

The provisions of Schedule 3 listed in the following table are amended as set out in the table.

Amendments relating to costs			
Item	Provision	Omit	Substitute
1	Item 1.1	\$72	\$75
2	Item 1.2	\$26	\$27
3	Item 1.3	\$12	\$13
4	Item 2.1	\$65	\$68
5	Item 2.2	\$26	\$27
6	Item 2.3	\$53	\$55
7	Item 3.2	\$20	\$21
8	Item 3.3	\$40	\$42
9	Item 10.1	\$131	\$137
10	Item 13.1	\$4,653	\$4,862
11	Item 14.1	\$2,990	\$3,125
12	Item 14.2	\$2,573	\$2,689
13	Item 15.1	\$5,051	\$5,278
14	Item 15.2	\$7,965	\$8,323
15	Item 15.3	\$2,398	\$2,506
16	Item 17.1	\$649	\$678

Part 7—Other amendments

Federal Court Rules 2011

15 At the end of Division 27.1

Add:

Rules 27.04–27.20 left blank

16 At the end of Division 34.5

Add:

Rules 34.87–34.90 left blank

Part 8—Transitional provisions

Federal Court Rules 2011

17 In the appropriate position in Part 43

Insert:

Division 43.2—Transitional provisions relating to the Federal Court Legislation Amendment Rules 2024

43.11 Definitions

In this Division:

amending Rules means the Federal Court Legislation Amendment Rules 2024.

43.12 Application of amendments relating to service in proceedings under particular acts

Rules 10.07 and 10.08, as substituted by the amending Rules, apply in relation to documents served on or after the commencement of the amending Rules.

43.13 Application of amendments relating to service of originating applications outside Australia

Rules 10.42 and 10.43, as amended by the amending Rules, apply in relation to originating applications served on or after the commencement of the amending Rules.

43.14 Expiry of this Division

This Division is repealed at the start of the day after the end of the period of 6 months beginning on the day the amending Rules commence.

Schedule 2—Amendment of the Federal Court (Bankruptcy) Rules 2016

Federal Court (Bankruptcy) Rules 2016

1 Subrule 1.05(1)

Insert:

Insolvency Practice Schedule (Bankruptcy) means Schedule 2 to the *Bankruptcy Act 1966*.

2 After paragraph 2.02(1)(a)

Insert:

(aa) a power of the Court under a provision of the *Insolvency Practice Schedule (Bankruptcy)* referred to in Part 1A of Schedule 1;

3 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Powers of the Court that may be exercised by a Registrar

Note: See rule 2.02.

Part 1—Bankruptcy Act

Item	Provision of the Bankruptcy Act 1966	Description (for information only)
1	subsection 30(1) (only for an application to set aside a bankruptcy notice)	Power to set aside a bankruptcy notice
2	section 33	Adjournment, amendment of process and extension and abridgment of time
3	paragraph 40(1)(g)	Power to grant leave to serve a bankruptcy notice outside Australia
4	subsection 41(6A)	Extension of time for compliance with a bankruptcy notice
5	subsection 43(1)	Power to make a sequestration order
6	subsection 46(2)	Power to make a sequestration order against 2 or more debtors
7	subsection 47(2)	Power to give leave to withdraw a creditor's petition after presentation
8	section 49	Power to permit the substitution of another creditor as petitioner
9	subsection 50(1)	Power to direct Official Trustee or specified registered trustee to take control of debtor's property and to make other orders in relation to the property

Schedule 2 Amendment of the Federal Court (Bankruptcy) Rules 2016

Item	Provision of the Bankruptcy Act 1966	Description (for information only)
10	subsection 52(1)	Power to make a sequestration order against the estate of a debtor
11	subsection 52(2)	Power to dismiss a creditor's petition
12	subsection 52(3)	Power to stay all proceedings under a sequestration order for a period not exceeding 21 days
13	subsection 52(5)	Power to extend a period at the expiration of which a creditor's petition lapses
14	subsection 55(3B)	Power to direct the Official Receiver to accept or reject a debtor's petition
15	paragraph 58(3)(b)	Power to give leave to commence action with respect to provable debt
16	section 81	Powers in relation to examinations
17	section 133	Power to make orders with respect to disclaimer of onerous property
18	section 180	Power to accept resignation of registered trustee
19	subsection 206(1)	Power to adjourn a creditor's petition if creditors have passed a resolution for a deed and to subsequently dismiss the petition
20	section 222	Power to set aside personal insolvency agreements
21	section 222C	Power to terminate personal insolvency agreements
22	subsection 244(9)	Power to direct service of a creditor's petition on a person under Part XI
23	subsection 244(10)	Power to dispense with service of a creditor's petition under Part XI
24	subsection 244(11)	Power to make an order for the administration of an estate under Part XI
25	subsection 244(12)	Power to dismiss a creditor's petition under Part XI
26	subsection 244(13)	Power to give leave to present a creditor's petition under Part XI
27	subsection 247(1A)	Power to make an order for the administration of the estate of a deceased person on the petition of a person administering the estate
28	section 264B	Power to issue a warrant
29	subsection 309(2)	Power to order substituted service

Part 1A—Insolvency Practice Schedule (Bankruptcy)

Item	Provision of the Insolvency Practice Schedule (Bankruptcy)	Description (for information only)
1	subsection 45-1(1)	Power to make orders in relation to a registered trustee
2	section 70-90	Power to order a trustee to give relevant material to a person

Item	Provision of the Insolvency Practice Schedule (Bankruptcy)	Description (for information only)
3	subsection 80-50(2)	Power to approve a committee of inspection incurring expenses in obtaining advice or assistance
4	paragraph 80-55(5)(b)	Power to give leave for a member of committee of inspection to derive a profit or advantage
5	subsection 90-5(1)	Power to inquire into the administration of a regulated debtor's estate
6	subsection 90-5(2)	Power to require a trustee or former trustee to give information, provide a report or produce a document
7	subsection 90-10(1)	Power to inquire into the administration of a regulated debtor's estate
8	subsection 90-10(3)	Power to require a trustee or former trustee to give information, provide a report or produce a document
9	section 90-15	Power to make orders in relation to the administration of a regulated debtor's estate
10	subsections 90-35(5) and (6)	Power to order the reappointment of a former trustee and additional orders
11	subsection 100-5(2)	Power to approve assignment of a right to sue after trustee's action has commenced

Part 2—Federal Court (Bankruptcy) Rules 2016

Item	Provision of the Federal Court (Bankruptcy) Rules 2016	Description (for information only)
1	rule 1.04	Power to make an order about the application of these Rules
2	rule 2.03	Power to grant leave to be heard in a proceeding, including the following powers: (a) to impose conditions on the granting of the leave; (b) to revoke the leave; (c) to order the payment of costs; (d) to order that a person not be further heard until costs are paid or secured
3	rule 2.06	Power to grant leave to oppose an application or a petition
4	subrule 3.03(5)	Extension of time for compliance with a bankruptcy notice
5	rule 4.05	Power to make orders as to service of a creditor's petition
6	rule 6.02	Power to order that an application under section 50 of the Bankruptcy Act for a person to be summoned for examination be heard in the absence of a party or in closed court
7	rule 6.07	Power to order that an application under section 81 of the Bankruptcy Act for a relevant person to be

Schedule 2 Amendment of the Federal Court (Bankruptcy) Rules 2016

Item	Provision of the Federal Court (Bankruptcy) Rules 2016	Description (for information only)
		summoned for examination be heard in the absence of a party or in closed court
8	rule 6.13	Power to order that an application under section 81 of the Bankruptcy Act for an examinable person to be summoned for examination be heard in the absence of a party or in closed court
9	paragraph 8.02(4)(c)	Power to make orders as to service of an application under section 180 or subsection 183(1) of the Bankruptcy Act
10	rule 10.03	Power to make orders with respect to service of applications under sections 222 and 222C of the Bankruptcy Act
11	rule 11.02	Power to make orders as to service of a creditor's petition presented under section 244 of the Bankruptcy Act
12	rule 11.05	Power to make orders as to service of a creditor's petition presented under section 247 of the Bankruptcy Act
13	rule 13.01	Power to order costs, including for a fixed amount

Schedule 3—Amendment of the Federal Court (Corporations) Rules 2000

Part 1—Amendments relating to the process for seeking inquiry or order

Federal Court (Corporations) Rules 2000

1 Division 4 (after the heading)

Insert:

Note: Division 11 deals with inquiries, examinations, investigations, and orders against a person concerned with a corporation.

Part 2—Powers of Registrars

Federal Court (Corporations) Rules 2000

2 After paragraph 16.1(1)(aa)

Insert:

- (ab) under a provision of the Corporations Regulations mentioned in column 2, or a provision of these Rules mentioned in column 3, of an item in Part 1B of Schedule 2; or

3 Parts 1 and 1A of Schedule 2

Repeal the Parts, substitute:

Part 1—Corporations Act

Item	Provision of the Corporations Act	Rule	Description (for information only)
1		1.3	Power to order that these Rules do not apply
2		1.8	Power to give directions
3		2.8(3)	Power to dispense with the requirement to serve ASIC
4		2.12	Power to dispense with requirement to file affidavit or memorandum with respect to publication
5		2.13	Power to grant leave to creditor, contributory or officer to be heard
6		2.14	Power to direct an inquiry in relation to a corporation's debts, etc
7		2.15	Power to make directions with respect to meetings ordered by the Court
8	section 227		Power to declare that conditions prescribed by Division 3 of Part 2E.1 of the Corporations Act have been satisfied
9	sections 247A and 247B		Power to order inspection of books
10	section 252E		Power to order meeting of members of registered scheme
11	paragraph 283AE(2)(a)		Power to appoint body corporate as trustee for debenture holders
12	section 283EC		Power to make an order for meeting of debenture holders to direct trustee
13	section 283HA		Power to give directions or determine any questions of application of trustee for debenture holders
14	subsection 283HB(1)		Power to make an order in relation to borrowing corporations
15	paragraph 283HB(1)(c)		Power to order security for debentures to be enforceable

Item	Provision of the Corporations Act	Rule	Description (for information only)
16	section 290		Power to authorise a person to inspect financial records on director's behalf and make other appropriate orders
17	section 411	3.3 3.4 3.5	Power to make an order in relation to administration of compromise or arrangement etc
18	sections 415A and 415B		Power to make orders in relation to proposals considered at a meeting of creditors
19	section 418A		Power to make declaration as to validity of controller's appointment and in relation to control of property
20	section 419		Power to make an order relieving person who incurs liability in belief that properly appointed as a receiver
21	section 419A		Power to relieve controller from liability
22	section 420B		Power to authorise managing controller to dispose of property despite prior charge
23	section 420C		Power to authorise receiver to carry on corporation's business during the winding up
24	section 423	4.1	Power to inquire into conduct of controller
25	section 424		Power to give directions in relation to controller's functions and powers
26	section 425	9.1	Power to fix amount of remuneration of a receiver
27	subsection 429(3)		Power to extend time for report
28	section 434B		Power to remove redundant controller
29	section 438D		Power to direct administrator to lodge a report
30	subsection 439A(6)		Power to extend the convening period fixed by subsection 439A(5)
31	section 440B		Power to grant leave to enforce a charge if an administrator has been appointed
32	section 440D		Power to grant leave to begin or proceed with a proceeding in a court against a company which is in administration, or in relation to any of its property
33	section 440F		Power to grant leave to begin or proceed with enforcement process in relation to the property of a company
34	subsection 440G(7)		Power to authorise a court officer to take action or to make a payment which would be prohibited
35	section 440J		Power to grant leave to take enforcement action under a guarantee
36	section 441D		Power to limit powers of chargee in relation to charged property

Schedule 3 Amendment of the Federal Court (Corporations) Rules 2000**Part 2** Powers of Registrars

Item	Provision of the Corporations Act	Rule	Description (for information only)
37	section 441H		Power to limit powers of receiver etc. in relation to property used by company
38	section 442C		Power to grant leave to administrator to dispose of encumbered property, or to prevent administrator from disposing of property in ordinary course of business
39	subsection 443B(8)		Power to grant relief of administrator from personal liability for rent
40	subsection 444B(2)		Power to extend time for execution of deed of company arrangement
41	subsection 444C(2)		Power to grant leave to act inconsistently with deed of company arrangement
42	subsection 444E(3)		Power to grant leave to person bound by deed of company arrangement to begin or proceed with enforcement process in relation to property of company
43	section 444F		Power to order secured creditor or owner or lessor of property not to take certain actions
44	section 445B		Power to make an order cancelling a variation of a deed of company arrangement
45	section 445D		Power to make an order terminating a deed of company arrangement
46	section 445G		Power to avoid or validate a deed of company arrangement
47	section 447A		General power to make orders in relation to Part 5.3A of the Corporations Act
48	section 447B		Power to make an order to protect interests of company's creditors during an administration
49	section 447C		Power to declare whether administrator is validly appointed
50	section 449C		Power to make an order in respect of vacancy in office of administrator of company or in office of administrator of deed of company arrangement
51	section 450F		Power to make orders in respect to validity of anything done or omitted under Part 5.3A of the Corporations Act
52	section 453T		Power to give leave to begin or proceed with enforcement process
53	subsection 453U(7)		Power to permit court officers to take action or make payment as part of enforcement
54	subsection 453W(1)		Power to grant leave, on conditions, for a guarantee to be enforced against a director or spouse or relative for a company liability

Item	Provision of the Corporations Act	Rule	Description (for information only)
55	subsection 454F(2)		Power to order a secured party, receiver or other person not to perform specified functions, or exercise specified powers, except as permitted by the order
56	subsection 454M(2)		Power to make orders preventing enforcement of rights over property used, occupied or in possession of company
57	subsection 456E(4)		Power to appoint a person as restructuring practitioner where no restructuring practitioner is acting
58	section 457C		Power to make orders in respect to validity of anything done or omitted under Part 5.3B of the Corporations Act
59	section 458A		Power to make orders about how Part 5.3B of the Corporations Act is to operate
60	section 458G		Power to order that company is not eligible for temporary restructuring relief
61	sections 459F, 459H, 459J, 459L, 459M and 459N		Power to make an order in relation to statutory demands
62	sections 459A, 459B (except in respect of applications under Part 2F.1), 459C, 459D, 459P, 459R, 459S, 459T, 461, 462, 464, 465B, 465C, 466, 467, 467A and 467B (except in respect of applications under Part 2F.1)	Div 5	Power to make orders in relation to winding up applications
63	section 468		Power in relation to validation of disposition of property
64	section 468A		Power in relation to authorisation of the transfer of shares
65	paragraph 470(2)(b)		Power to direct service of copy of order on another person
66	section 472	5.5 6.1	Power to appoint registered liquidator or provisional liquidator
67	subsection 473A(1)	7.2	Power to fill vacancy in office of Court-appointed liquidator
68	subsection 473A(4)		Power to declare what may be done by liquidator, where more than one liquidator is appointed by the Court
69	subsection 474(2)		Power to order that property vest in liquidator
70	subsection 475(8)	7.3	Power to grant leave for payment of costs and expenses incurred in preparing a report under section 475
71	section 480	7.5	Power to release liquidator and deregister company
72	section 481	7.7	Power to order preparation of report on accounts of liquidator

Schedule 3 Amendment of the Federal Court (Corporations) Rules 2000**Part 2** Powers of Registrars

Item	Provision of the Corporations Act	Rule	Description (for information only)
73	section 482		Power to make an order: (a) to stay the winding up of a company either indefinitely or for a limited time; or (b) to terminate the winding up of a company on a day specified in the order
74	subsection 483(1)		Power to require payment of money or transfer of property
75	subsection 483(2)		Power to order payment of money
76	subsection 483(3)	7.8	Power to order payment of a call
77	subsection 483(4)		Power to order payment of amount due into a bank named in the order
78	section 484	8.1 8.2 8.3 9.5	Power to appoint special manager and approve remuneration
79	section 486		Power to make an order for inspection of books by creditors or contributories
80	subsection 488(2)	7.9	Power to grant leave to distribute a surplus
81	section 490		Power to grant leave to company to wind up voluntarily
82	subsection 495(4)		Power to make an order in relation to conduct of meeting in course of members' voluntary winding up
83	subsection 497(3)		Power to order that list of creditors be sent to creditors in creditors' voluntary winding up
84	subsection 499(3)	7.2	Power to fill a vacancy when liquidator not appointed by Court
85	section 500		Power to make an order as to execution and civil proceedings
86	subsection 507(6)		Power to sanction resolution to accept shares as consideration for sale of property of company
87	subsection 507(9)		Power to give directions necessary for arbitration
88	subsection 507(10)		Power to approve liquidator's exercise of powers in creditors' voluntary winding up
89	subsection 509(2)		Power to order ASIC to deregister company on specified day
90	subsection 510(3)		Power to settle dispute as to value of security or lien or amount of debt or set-off
91	subsection 532(2)		Power to grant leave for person to be appointed as liquidator
92	subsection 543(1)		Power to make an order as to the investment of surplus funds

Item	Provision of the Corporations Act	Rule	Description (for information only)
93	subsection 544(2)		Power to order account of funds in hands of liquidator, audit or payment of money by liquidator
94	section 545		Power to direct to liquidator to incur particular expense
95	section 554A		Power to estimate or determine value of debts and claims
96		14.1(3)	Power to extend time for filing of appeal authorised by the Corporations Act
97	section 554G		Power to grant leave to secured creditor to amend valuation of security in proof of debt
98	section 564		Power to make an order in favour of creditors who give company indemnity for costs of litigation
99	sections 568, 568B, 568E and 568F	10.2	Power to make an order in relation to disclaimer of onerous property
100	sections 583 and 585	10.3	Power in relation to winding up Part 5.7 bodies
101	sections 596A, 596B, 596F, 597, 597A and 597B	11.3 11.4 11.6 11.7 11.9	Power to make an order in relation to examinations
102	subsection 601AH(2)		Power to order reinstatement of registration of a company
103	subsection 601AH(3)		Power to: (a) validate anything done between deregistration of a company and its reinstatement; and (b) make any other order the Court considers appropriate
104	subsection 601BJ(2)		Power to approve modification in constituent documents of registered company
105	subsection 601CC(9)		Power to order restoration of name of registered Australian body to the Register
106	subsection 601CL(10)		Power to order restoration of name of registered foreign company to the Register
107	section 1071D	12.2	Power to make an order in relation to a person summoned
108	section 1071F		Power to make an order in relation to a company's refusal to register a share transfer
109	subsection 1071H(6)		Power to make an order to remedy default in issuing certificate etc
110	section 1274		Power to make an order where failure to lodge, amend etc a document

Schedule 3 Amendment of the Federal Court (Corporations) Rules 2000

Part 2 Powers of Registrars

Item	Provision of the Corporations Act	Rule	Description (for information only)
111	section 1303		Power to order that books be available for inspection
112	section 1319		Power to give directions with respect to meetings
113	section 1322		Power to make an order in relation to irregularities
114	section 1325D		Power to make an order where contravention of a provision of Chapter 6 due to inadvertence
115	section 1335		Power to make an order as to costs

Part 1A—Insolvency Practice Schedule (Corporations)

Item	Provision of the Insolvency Practice Schedule (Corporations)	Rule	Description (for information only)
1	subsection 20-70(3)		Power to extend time to apply to ASIC for renewal of a liquidator's registration
2	paragraph 40-5(4)(b)		Power to give a direction to a liquidator to lodge a document or give any information or document
3	paragraph 40-10(4)(b)		Power to direct a liquidator: (a) to confirm to ASIC that information is complete and correct; or (b) to complete or correct information; or (c) to notify any persons specified by ASIC of any additional or corrected information
4	subsection 45-1(1)		Power to make orders in relation to a registered liquidator
5	paragraphs 60-10(1)(c) and (2)(b)	9.2	Power to determine an external administrator's remuneration
6	subsection 60-11(3)	9.2A	Power to review a remuneration determination for an external administrator of a company
7	subsection 60-16(1)	9.3	Power to determine a provisional liquidator's remuneration
8	section 65-45		Power to give directions regarding the handling of money and securities by an external administrator
9	paragraph 70-35(3)(c)		Power to give directions in relation to destruction of the books of a company
10	section 70-90		Power to order an external administrator to give relevant material to a person
11	subsection 75-41(3)		Power to make orders in relation to proposals considered at a meeting of creditors

Item	Provision of the Insolvency Practice Schedule (Corporations)	Rule	Description (for information only)
12	subsection 75-42(4)		Power to order that a resolution passed at a meeting of creditors because of a casting vote be set aside or varied and make further orders or give further directions
13	subsection 75-43(4)		Power to order that a resolution considered at a meeting of creditors is taken to have been passed and make further orders or give further directions
14	subsection 80-50(2)		Power to approve a committee of inspection incurring expenses in obtaining advice or assistance
15	paragraph 80-55(5)(b)		Power to give leave for a member of committee of inspection to derive a profit or advantage
16	subsection 90-5(1)		Power to inquire into the external administration of a company
17	subsections 90-5(2) and 90-10(4)		Power to require an external administrator or former external administrator to give information, provide a report or produce a document
18	subsection 90-10(1)		Power to inquire into the external administration of a company on application of creditors
19	section 90-15	7.2 and 11.8	Power to make orders in relation to the external administration of a company, including the following: <ul style="list-style-type: none"> (a) determining a question or questions arising in the external administration; (b) that a person cease to be the external administrator; (c) that another registered liquidator be appointed; (d) in relation to the costs of an action (including court action) taken by the external administrator or another person in relation to the external administration; (e) in relation to any loss that the company has sustained because of a breach of duty by the external administrator; (f) in relation to remuneration, including requiring a person to repay to a company, or the creditors of a company, remuneration paid to the person as external administrator of the company
20	subsections 90-23(6) and (9)		Power to appoint a registered liquidator to carry out a review into a matter that relates to the external administration of a company and to specify the matters which

Schedule 3 Amendment of the Federal Court (Corporations) Rules 2000**Part 2** Powers of Registrars

Item	Provision of the Insolvency Practice Schedule (Corporations)	Rule	Description (for information only)
21	section 90-28		the liquidator is appointed to review and the way in which the cost of carrying out the review is to be determined Power to make orders in relation to a review by a reviewing liquidator on the application of the reviewing liquidator, a person with a financial interest in the external administration of the company or an officer of the company
22	subsections 90-35(6) and (7)		Power to order the reappointment of a former external administrator

Part 1B—Corporations Regulations

Item	Provision of the Corporations Regulations 2001	Rule	Description (for information only)
1	paragraph 5.3B.02(1)(e)		Power to order that a restructuring of a company is to end
2	subregulation 5.3B.17(4)		Power to order an extension of the proposal period
3	subregulation 5.3B.30(3)		Power to grant leave for person bound by a restructuring plan to make or proceed with an application to wind up the company or begin or proceed with any proceedings
4	subregulation 5.3B.34(1)		Power to appoint a new restructuring practitioner if original appointee dies, is prohibited from acting, or resigns
5	subregulation 5.3B.34(4)		Power to appoint a person as restructuring practitioner where for some reason no restructuring practitioner for the plan is acting
6	paragraph 5.3B.39(2)(c)		Power to grant leave for restructuring practitioner of plan to dispose of secured property or property used or occupied by company but owned by others
7	subregulation 5.3B.39(4)		The power to direct that a restructuring practitioner not dispose of property in the ordinary course of business
8	subregulation 5.3B.60(2)		Power to make orders with respect to creditor disputes before restructuring plan is made
9	subregulation 5.3B.61(2)		Power to vary restructuring plan
10	subregulation 5.3B.62(1)		Power to void a restructuring plan.
11	subregulation 5.3B.62(3)		Power to validate a restructuring plan
12	subregulation 5.3B.63(1)		Power to terminate restructuring plan

Item	Provision of the Corporations Regulations 2001	Rule	Description (for information only)
13	subregulation 5.3B.64(2)		Power to order a secured creditor of the company not to realise or otherwise deal with the security interest, except as permitted by the order
14	subregulation 5.3B.64(4)		Power to order that the owner or lessor of property that is used or occupied by, or is in the possession of, a company not to take possession of the property or otherwise recover it
15	subregulation 5.6.43A(2)		Power to extend time for appeal under subsection 554A(3) of the Corporations Act
16	subregulation 5.6.53(2)		Power to make decision on proof of debt where liquidator has not dealt with request to admit a proof of debt
17	subregulation 5.6.54(2)		Power to extend time to appeal rejection of proof of debt
18	subregulation 5.6.62(2)		Power to extend time to appeal inclusion on list of contributories
19	subregulation 5.6.66(2)		Power to make decision on proof of debt where liquidator has not dealt with a formal proof of debt or claim

Schedule 4—Amendment of the Federal Court (Criminal Proceedings) Rules 2016

Federal Court (Criminal Proceedings) Rules 2016

1 Part 10

Repeal the Part.