



Bankruptcy Amendment (Electronic Service) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Mark Dreyfus KC
Attorney-General

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1 Name

This instrument is the *Bankruptcy Amendment (Electronic Service) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument 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 this instrument	The day after this instrument is registered.	17 December 2024

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *Bankruptcy Act 1966*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Bankruptcy Regulations 2021

1 Section 4

Insert:

electronic communication means an electronic communication within the meaning of paragraph (a) of the definition of *electronic communication* in subsection 5(1) of the *Electronic Transactions Act 1999*.

2 Section 22 (note)

Omit “and section 28A of the *Acts Interpretation Act 1901*”.

3 Section 43 (note)

Omit “and section 28A of the *Acts Interpretation Act 1901*”.

4 Section 102

Repeal the section, substitute:

102 Service of documents

- (1) Unless the contrary intention appears, if a document is required or permitted by the Act or this instrument to be given or sent to, or served on, a person (other than the Inspector-General, the Official Receiver or the Official Trustee), the document may be:
- (a) sent by a courier service to the person at the address of the person last known to the person serving the document; or
 - (b) left, in an envelope or similar packaging marked with the person’s name and any relevant document exchange number, at a document exchange where the person maintains a document exchange facility; or
 - (c) given in a manner specified in section 28A of the *Acts Interpretation Act 1901*; or
 - (d) sent, in accordance with the information technology requirements in subsection (3) of this section:
 - (i) by a kind of electronic communication that transmits the document to a facility maintained by the person for receipt of electronically transmitted documents; or
 - (ii) by a kind of electronic communication such that, in the ordinary course of events, the document could be reasonably expected to be received by the person.

Note: The *Electronic Transactions Act 1999* applies to a requirement or permission to give information under the *Bankruptcy Act 1966* or this instrument, including electronic communications covered by this section.

However, paragraph (d) of this subsection permits information to be given by means of particular kinds of electronic communication, in accordance with the information technology requirements in subsection (3). This means the requirements in section 9 of the *Electronic Transactions Act 1999* do not apply in relation to electronic communications covered by this section (see subsection 9(3) of the *Electronic Transactions Act 1999*).

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- (2) For the purposes of paragraph (1)(a) or (b), in the absence of proof to the contrary, the document is taken to have been received by, or served on, the person when the document would, in the due course of business practice, be delivered to that address or document exchange.

Note: For paragraph (1)(c), see section 29 of the *Acts Interpretation Act 1901*.

- (3) For the purposes of paragraph (1)(d), the information technology requirements are:
- (a) at the time the document is sent, it is reasonable to expect that the document would be readily accessible so as to be useable for subsequent reference; and
 - (b) the document is sent in one of the following formats, or in a format that is similar to or readily convertible into one of the following formats:
 - (i) Word;
 - (ii) Excel;
 - (iii) HTML;
 - (iv) PDF;
 - (v) plain text;
 - (vi) JPEG.

5 At the end of Part 17

Add:

117 Amendments made by the *Bankruptcy Amendment (Electronic Service) Regulations 2024*

Section 102, as substituted by Schedule 1 to the *Bankruptcy Amendment (Electronic Service) Regulations 2024*, applies in relation to a document that is given or sent to, or served on, a person on or after the commencement of that Schedule.