



Federal Court (Bankruptcy) Repeal Rules 2016

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

Dated 21 March 2016

J.L.B. ALLSOP CJ
J.A. DOWSETT J
A.C. BENNETT J
A.P. GREENWOOD J
S.D. RARES J
B. COLLIER J
A.J. BESANKO J
C.N. JESSUP J
R.R.S. TRACEY J
J.E. MIDDLETON J
R.J. BUCHANAN J
J.A. LOGAN J
G.A. FLICK J
N.W. McKERRACHER J
J.E. REEVES J
N. PERRAM J
J.M. JAGOT J
L.G. FOSTER J
J.V. NICHOLAS J
D.M. YATES J
M. BROMBERG J
A.J. KATZMANN J
B.M. MURPHY J
I.J.K. ROSS J
J.E. GRIFFITHS J
D.J.C. KERR J
L.K. FARRELL J
G. PAGONE J
J. DAVIES J
D.C. RANGIAH J
R.C. WHITE J
M.A. WIGNEY J
M.A. PERRY J
J.S. GLEESON J
J.B.R. BEACH J
B.S. MARKOVIC J

M.K. MOSHINSKY J
R.J. BROMWICH J
N. CHARLESWORTH J

Judges of the
Federal Court of Australia

W.G. Soden
Registrar

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Repeal of these Rules.....	1
5	Schedules	1
Schedule 1—Repeals		2
	<i>Federal Court (Bankruptcy) Rules 2005</i>	2
Schedule 2—Consequential amendments		3
	<i>Federal Court Rules 2011</i>	3
Schedule 3—Transitional provisions		4

1 Name

These are the *Federal Court (Bankruptcy) Repeal Rules 2016*.

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	At the same time as the <i>Federal Court (Bankruptcy) Rules 2016</i> commence.	

Note: This table relates only to the provisions of these Rules as originally made.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 Repeal of these Rules

These Rules are repealed at the start of the day after the end of the period of 6 months beginning on the day these Rules commence.

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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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

Federal Court (Bankruptcy) Rules 2005

1 The whole of the Rules

Repeal the Rules.

Schedule 2—Consequential amendments

Federal Court Rules 2011

1 Rule 1.04 (note 1)

Omit “*Federal Court (Bankruptcy) Rules 2005*”, substitute “*Federal Court (Bankruptcy) Rules 2016*”.

2 Rule 3.01 (paragraph (c) of note 3)

Omit “Schedule 2”, substitute “Schedule 1”.

3 Schedule 1 (definition of *Bankruptcy Rules*)

Omit “*Federal Court (Bankruptcy) Rules 2005*”, substitute “*Federal Court (Bankruptcy) Rules 2016*”.

4 Schedule 1 (definition of *short form bill*)

Omit “Part 13 of the *Federal Court (Bankruptcy) Rules 2005*”, substitute “Part 13 of the *Bankruptcy Rules*”.

Schedule 3—Transitional provisions

1 Forms

- (1) This item applies if:
 - (a) during the 6-month period beginning on the commencement of this item a person does something, for the purpose of a provision of the *Federal Court (Bankruptcy) Rules 2016* (the **new Rules**), using a form that was, immediately before the commencement of this item, prescribed by the *Federal Court (Bankruptcy) Rules 2005* for doing that thing; and
 - (b) the new Rules require a form approved under subrule 1.07(2) of the new Rules to be used for doing that thing.
- (2) For the purposes of the new Rules, the requirement to use the approved form for doing that thing is taken to have been satisfied by using a document that:
 - (a) is substantially in accordance with the prescribed form; or
 - (b) has only such variations as the nature of the case requires.