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Federal Court Amendment Rules 1999 (No. 3)

Statutory Rules 1999 No. /

94

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

Dated / 1999.

25 May

M.E.J. BLACK C.J.
J.F. GALLOP J.
B.A. BEAUMONT J.
M.R. WILCOX J.
J.E.J. SPENDER J.
P.R.A. GRAY J.
J.C.S. BURCHETT J.
J.A. MILES J.
D.M. RYAN J.
R.S. FRENCH J.
M.C. LEE J.
H.W. OLNEY 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.
A.P. WHITLAM 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.
J.A. DOWSETT 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. 3)¹

Statutory Rules 1999 No. *L*²

94

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, *L*

Federal Court Amendment Rules 1999 (No. 3)

1

94

1 Name of rules

These rules are the *Federal Court Amendment Rules 1999 (No. 3)*.

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 21, paragraph 1 (a)

omit

State;

insert

State or Territory;

[2] Order 21, paragraph 1 (b)

omit

[3] Order 58, after rule 5

insert

5A Cross-appeals and notices of contention

(1) A respondent to an appeal from a decision of the Commissioner who desires to appeal from the whole or a part of the decision need not institute a substantive appeal, but must:

- (a) within 21 days after the service on the respondent of the notice of appeal (or within such further time as the Court or a Judge fixes), file in the Registry a notice of cross-appeal; and
- (b) serve a copy of the notice of cross-appeal on the Commissioner, the applicant and any other person who may be affected by the relief sought in the notice of cross-appeal.

- (2) A notice of cross-appeal must:
- (a) state whether the appeal is from the whole or a part of the decision (including, if the appeal is from a part only, details of the part); and
 - (b) state the order or orders sought; and
 - (c) state briefly the specific grounds relied on in support of the order or orders sought.
- (3) If a respondent to an appeal from a decision of the Commissioner proposes to contend that some matter of fact or law has been erroneously decided against the respondent by the Commissioner but does not seek a reversal or variation of the Commissioner's decision, the respondent need not give notice of cross-appeal but must:
- (a) file in the Registry a notice of contention; and
 - (b) serve on the applicant and on the Commissioner a copy of the notice of contention; and
 - (c) give notice to the applicant and to the Commissioner of the record of evidence and documents before the Commissioner that are relevant to the contention.

[4] Order 71, paragraphs 7 (1) (a) and (b)

omit

or 3

insert

or a provision of the Rules specified in column 3

[5] Order 77, subrule 53 (1)

substitute

- (1) This rule applies to an application for an order declaring that a deed or composition, or that a provision of a deed, is void or is not void.

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; 1999 Nos. 15 and 70.
2. Notified in the *Commonwealth of Australia Gazette* on 1999. *2 June*