



# Federal Court (Bankruptcy) Amendment Rules 2006 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2006 No. 253**

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

Dated 18 September 2006

M.E.J. BLACK C.J.  
M.R. WILCOX J.  
P.R.A. GRAY J.  
D.M. RYAN J.  
R.S. FRENCH J.  
T.J. HIGGINS J.  
M.F. MOORE J.  
C.M. BRANSON 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.  
S.R. MARSHALL J.  
A.M. NORTH J.  
R.N. MADGWICK J.  
J.R. MANSFIELD J.

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A.H. GOLDBERG J.  
R.A. FINKELSTEIN J.  
M.S. WEINBERG J.  
J.A. DOWSETT J.  
S.C. KENNY J.  
R.V. GYLES J.  
R.A. CONTI J.  
M.A. STONE J.  
J.L.B. ALLSOP J.  
P.M. JACOBSON J.  
A.C. BENNETT J.  
B.T. LANDER J.  
A.N. SIOPIS J.  
R.F. EDMONDS J.  
A.P. GREENWOOD J.  
N.J. YOUNG J.  
S.D. RARES J.  
B. COLLIER J.  
D.A. COWDROY J.  
A.J. BESANKO J.  
C.N. JESSUP J.  
R.R.S. TRACEY J.  
J.E. MIDDLETON J.

Judges of the Federal  
Court of Australia

W.G. Soden  
Registrar

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**1 Name of Rules**

These Rules are the *Federal Court (Bankruptcy) Amendment Rules 2006 (No. 1)*.

**2 Commencement**

These Rules commence on 8 October 2006.

**3 Amendment of *Federal Court (Bankruptcy) Rules 2005***

Schedule 1 amends the *Federal Court (Bankruptcy) Rules 2005*.

**Schedule 1 Amendments**

(rule 3)

**[1] Schedule 1, Form 3**

*substitute*

**Form 3 Interim application**

(rules 2.01, 2.04, 6.06, 6.12, 6.17)

**INTERIM APPLICATION<sup>†</sup>**

IN THE [name of Court]

REGISTRY: [name of Registry]

No. of [year]

IN THE MATTER OF [name of debtor or bankrupt estate]

[name of applicant(s) for interim order]

Applicant(s) for interim order

[*name of respondent(s) for interim order*]

Respondent(s) for interim order

**NOTICE**

This interim application has been set down for the time and place stated below. If you or your legal representative do not attend the Court at that time, the interim application may be dealt with and an order made in your absence.

Time and date for hearing: [to be entered by Registry unless fixed by Court]

Place: [*address of Court*]

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<sup>†</sup> *The following information must appear at the foot of the first page of this application.*

**Filed by**

Name:

Address for service:

Telephone:

Fax number:

E-mail address:

**DETAILS OF INTERIM ORDERS**

On the grounds stated in the supporting affidavit, the applicant [*name*], seeks the following interim orders:

[*Specify in numbered paragraphs all the interim orders sought*]

- 1.
- 2.
- 3.

Date:

[*signed by the applicant making this application or the applicant's lawyer*]

\*Applicant/\*Applicant's lawyer

\* *Omit if inapplicable*

**[2] Schedule 1, Form 17**

*substitute*

**Form 17 Apprehension warrant**

(rule 12.02)

**APPREHENSION WARRANT**

*Bankruptcy Act 1966, section 264B*

IN THE [*name of Court*]

REGISTRY: [*name of Registry*]

No. of [*year*]

IN THE MATTER OF [*name of debtor or bankrupt estate*]

[*name of applicant(s)*]

Applicant(s)

[*name of respondent(s)*]

Respondent(s)

TO: [*name of officer*], a \*member/\*special member of the Australian Federal Police and to all other members and special members of the Australian Federal Police and to all constables of police throughout the Commonwealth and to the Governor or Keeper of Her Majesty's Gaol at [*place*], and to the Governor or Keeper of any of Her Majesty's Gaols within the Commonwealth.

BY summons dated [*date*], and directed to [*full name and address of person named in summons*], [*person named in summons*] was required to appear personally before \*the Court/\*a Registrar/\*a Magistrate at [*time*] at [*address at which examination or other proceeding was to have been held*], AND which summons was, as has been proved on oath, served on [*name of person*] on [*date*].

‡AND a reasonable amount was tendered to [name of person] for expenses, AND, without reasonable excuse, the person failed to appear as required by the summons.

THIS warrant therefore requires and authorises you, [name of officer], and all other constables to whom this warrant is addressed, to take [name of person] and bring \*him/\*her up for examination to the Court [address] or a registry of the Court that is convenient.

THIS warrant also requires and authorises you, if [name of person] cannot immediately be brought before \*the Court/\*a Registrar/\*a Magistrate, to deliver \*him/\*her to the Governor or Keeper of Her Majesty's Gaol at a convenient place and you the Governor or Keeper are to receive [name of person] and keep \*him/\*her safely in the gaol and in your custody until \*the Court/\*a Registrar/\*a Magistrate otherwise orders, and you are to produce \*him/\*her before \*the Court/\*a Registrar/\*a Magistrate as \*the Court/\*a Registrar/\*a Magistrate directs.

THIS warrant also informs you, [name of officer], and all other constables to whom this warrant is addressed, that subsection 264B (4) of the *Bankruptcy Act 1966* empowers you to break and enter any place or building for the purpose of executing this warrant.

Dated:

[signed, Registrar]

Registrar

\* Omit if inapplicable

‡ Omit if the summons is to a relevant person under section 81 of the *Bankruptcy Act 1966*

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## Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).