



Federal Court (Bankruptcy) Amendment Rules 2008 (No. 1)¹

Select Legislative Instrument 2008 No. 18

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

Dated 7 March 2008

M.E.J. BLACK C.J.
J.E.J. SPENDER J.
P.R.A. GRAY J.
D.M. RYAN J.
R.S. FRENCH J.
T.J. HIGGINS J.
P.C. HEEREY J.
M.F. MOORE J.
C.M. BRANSON J.
K.E. LINDGREN J.
B.J.M. TAMBERLIN J.
R. SACKVILLE J.
P.D. FINN J.
R.A. SUNDBERG J.
S.R. MARSHALL J.
A.M. NORTH J.
R.N. MADGWICK J.
J.R. MANSFIELD J.

A.R. EMMETT J.
R.A. FINKELSTEIN J.
M.S. WEINBERG J.
J.A. DOWSETT J.
S.C. KENNY J.
R.V. GYLES 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.
P.R. GRAHAM J.
A.P. GREENWOOD 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.
R.J. BUCHANAN J.
J. GILMOUR J
M.M. GORDON J.
J.A. LOGAN J.
G.A. FLICK J.
N.W. McKERRACHER J.
J.E. REEVES J.

Judges of the Federal
Court of Australia

W.G. SODEN
Registrar

1 Name of Rules

These Rules are the *Federal Court (Bankruptcy) Amendment Rules 2008 (No. 1)*.

2 Commencement

These Rules commence on 1 April 2008.

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

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

Schedule 1 Amendments

(rule 3)

[1] Paragraph 4.06 (3) (b)

substitute

(b) states that there were no details of a debt agreement, about the debt on which the applicant creditor relies, in the Index:

- (i) on the day when the petition was presented; and
- (ii) on the day when the search was made; and

[2] Paragraph 4.07 (b)

substitute

(b) the applicant creditor must keep the original affidavit and produce it as directed by the Court.

[3] Subrule 7.02 (2)

omit

28 days

insert

7 days

[4] Subrule 7.03 (3)

omit

14 days

insert

7 days

[5] Subrule 7.04 (1)

omit

The trustee

insert

If directed by the Court, the trustee

[6] Paragraph 7.04 (4) (b)

omit

the hearing date fixed for the application.

insert

the date fixed for the hearing of the application.

[7] Subrule 7.06 (2)

omit

28 days

insert

7 days

[8] Subrule 7.06 (5)

omit

14 days

insert

7 days

[9] Schedule 1, Form 2

before

* *Omit if inapplicable*

insert

Note An application must state each section of the Bankruptcy Act or the Bankruptcy Regulations under which the proceeding is brought — see paragraph 2.01 (3) (a).

[10] Schedule 1, Form 3

before

* *Omit if inapplicable*

insert

Note An interim application must state each section of the Bankruptcy Act or the Bankruptcy Regulations under which the proceeding is brought — see paragraph 2.01 (4) (a).

[11] Schedule 1, Form 6, Part 2, after note 3

insert

Note 4 A creditor must give a copy of this petition to the Official Receiver within 3 working days after presentation — see subregulation 4.05 (1) of the Bankruptcy Regulations.

Note

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