



Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Amendment (2025 Measures No. 1) Rules 2025

We, Judges of the Federal Circuit and Family Court of Australia (Division 2), make the following Rules of Court.

Dated 4 August 2025

Chief Judge Alstergren AO	Judge Symons
Deputy Chief Judge McClelland AO	Judge Ladhams
Deputy Chief Judge Mercuri	Judge Murdoch
Judge Riley	Judge Given
Judge Cameron	Judge Jenkins
Judge Dunkley	Judge Mansfield
Judge Monahan	Judge Glass
Judge Manousaridis	Judge Burt
Judge Vasta	Judge Eldershaw
Judge Street	Judge Mansini
Judge Middleton	Judge Laing
Judge Obradovic	Judge Champion
Judge Egan	Judge Liveris
Judge Betts	Judge Bingham
Judge Blake	Judge Corbett
Judge D Humphreys CSC OAM	Judge Gostencnik
Judge Morley	Judge McCabe
Judge O'Shannessy	Judge Kaur-Bains
Judge Beckhouse	Judge Zipser
Judge Bowrey OAM	Judge Fary
Judge Taglieri	Judge Johns OAM
Judge Cope	Judge Cleary
Judge Forbes	Judge Marquard

Judges of the Federal Circuit and Family Court of Australia (Division 2)

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1 Name

These Rules are the *Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Amendment (2025 Measures No. 1) Rules 2025*.

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	1 September 2025.	1 September 2025

Note: This table relates only to the provisions of these Rules as originally made.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 Chapter 4 of the *Federal Circuit and Family Court of Australia Act 2021*.

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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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

Federal Circuit and Family Court of Australia (Division 2) (Bankruptcy) Rules 2021

1 Subrule 1.04(2) (note)

Omit “*Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021*”, substitute “*Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025*”.

2 Subrule 1.05(1)

Insert:

Insolvency Practice Schedule (Bankruptcy) means Schedule 2 to the Bankruptcy Act.

3 Subrule 1.05(2)

Omit “*Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021*” (wherever occurring), substitute “*Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025*”.

4 After paragraph 2.02(1)(a)

Insert:

(aa) a power of the Court under a provision of the Insolvency Practice Schedule (Bankruptcy) referred to in Part 1A of Schedule 1;

5 Subrule 2.02(2)

Omit “or Part 2”, substitute “, 1A or 2”.

6 Rule 2.05

Repeal the rule, substitute:

2.05 Changing first court date for creditor’s petition

Rule 8.06 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* (changing first court date) does not apply to the hearing date fixed for a creditor’s petition.

7 Subrule 4.07(3)

Repeal the subrule, substitute:

(3) If the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made, the applicant creditor must, as soon as practicable, request entry of the order in accordance with that Division.

8 Subrule 4.08(2)

Repeal the subrule, substitute:

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- (2) If the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made, the applicant creditor must, as soon as practicable, request entry of the order in accordance with that Division.

9 Rule 4.09

Omit “rule 17.08 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021*”, substitute “Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025*”.

10 Subrule 7.04(2)

Repeal the subrule, substitute:

- (2) If the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made, the applicant must, within 1 day after the order is made, request entry of the order in accordance with that Division.

11 Subrule 8.02(5)

Repeal the subrule, substitute:

- (2) If the Court makes the order sought, and the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made, the trustee must, within 1 day after the order is made, request entry of the order in accordance with that Division.

12 Subrule 9.05(1)

Repeal the subrule, substitute:

- (1) If:
- (a) the Court makes an order under section 185Q or 185U of the Bankruptcy Act; and
 - (b) the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made;
- the applicant must, within 1 day after the order is made, request entry of the order in accordance with that Division.

13 Rule 10.05

Repeal the rule, substitute:

10.05 Entry of order

If:

- (a) the Court makes an order under subsection 222(1), (2) or (5) or subsection 222C(1) of the Bankruptcy Act; and
- (b) the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made;

the applicant must, as soon as practicable, request entry of the order in accordance with that Division.

Note: Subject to subsection 67(2) of the Bankruptcy Regulations, a copy of the order must be given to the Official Receiver within 2 business days after the order is made: see subsection 67(1) of the Bankruptcy Regulations.

14 Rule 11.06

Repeal the rule, substitute:

11.06 Entry of order

If:

- (a) the Court makes an order under section 244 or 247 of the Bankruptcy Act; and
- (b) the order is not entered in accordance with Division 24.2 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2025* at the time the order is made;

the applicant must, as soon as practicable, request entry of the order in accordance with that Division.

Note: A copy of the order must be given to the Official Receiver before the end of the period of 2 days beginning on the day the order was made (see subsections 244(14) and 247(3) of the Bankruptcy Act).

15 Part 1 of Schedule 1 (table)

Repeal the table, substitute:

Item	Provision of the Bankruptcy Act 1966	Description (for information only)
1	Subsection 30(1) but only for an application to set aside a bankruptcy notice	Power to set aside a bankruptcy notice
2	Section 33	Adjournment, amendment of process and extension and abridgment of time
3	Paragraph 40(1)(g)	Power to grant leave to serve a bankruptcy notice outside Australia
4	Subsection 41(6A)	Extension of time for compliance with a bankruptcy notice
5	Subsection 43(1)	Power to make a sequestration order
6	Subsection 46(2)	Power to make a sequestration order against 2 or more debtors
7	Subsection 47(2)	Power to give leave to withdraw a creditor's petition after presentation
8	Section 49	Power to permit the substitution of another creditor as petitioner
9	Subsection 50(1)	Power to direct the Official Trustee or a specified registered trustee to take control of a debtor's property and to make other orders
10	Subsection 52(1)	Power to make a sequestration order against the estate of a debtor

Item	Provision of the Bankruptcy Act 1966	Description (for information only)
11	Subsection 52(2)	Power to dismiss a creditor's petition
12	Subsection 52(3)	Power to stay all proceedings under a sequestration order for a period not exceeding 21 days
13	Subsection 52(5)	Power to extend a period at the expiration of which a creditor's petition lapses
14	Subsection 55(3B)	Power to direct the Official Receiver to accept or reject a debtor's petition
15	Paragraph 58(3)(b)	Power to give leave to commence an action with respect to a provable debt
16	Section 81	Powers in relation to examinations
17	Section 133	Power to make orders with respect to a disclaimer of onerous property
18	Section 180	Power to accept the resignation of a registered trustee
19	Subsection 206(1)	Power to adjourn a creditor's petition if creditors have passed a resolution for a deed and to subsequently dismiss the petition
20	Section 222	Power to set aside a personal insolvency agreement
21	Section 222C	Power to terminate a personal insolvency agreement
22	Subsection 244(9)	Power to direct service of a creditor's petition on a person under Part XI
23	Subsection 244(10)	Power to dispense with service of a creditor's petition under Part XI
24	Subsection 244(11)	Power to make an order for the administration of an estate under Part XI
25	Subsection 244(12)	Power to dismiss a creditor's petition under Part XI
26	Subsection 244(13)	Power to give leave to present a creditor's petition under Part XI
27	Subsection 247(1A)	Power to make an order for the administration of the estate of a deceased person on the petition of a person administering the estate
28	Section 264B	Power to issue a warrant
29	Subsection 309(2)	Power to order substituted service

16 After Part 1 of Schedule 1

Insert:

Part 1A—Insolvency Practice Schedule (Bankruptcy)

Item	Provision of the Insolvency Practice Schedule (Bankruptcy)	Description (for information only)
1	Subsection 45-1(1)	Power to make orders in relation to a registered trustee
2	Section 70-90	Power to order a trustee to give relevant material to a person

Schedule 1 Amendments

Item	Provision of the Insolvency Practice Schedule (Bankruptcy)	Description (for information only)
3	Subsection 80-50(2)	Power to approve a committee of inspection incurring expenses in obtaining advice or assistance
4	Paragraph 80-55(5)(b)	Power to give leave for a member of committee of inspection to derive a profit or advantage
5	Subsection 90-5(1)	Power to inquire into the administration of a regulated debtor's estate
6	Subsection 90-5(2)	Power to require a trustee or former trustee to give information, provide a report or produce a document
7	Subsection 90-10(1)	Power to inquire into the administration of a regulated debtor's estate
8	Subsection 90-10(3)	Power to require a trustee or former trustee to give information, provide a report or produce a document
9	Section 90-15	Power to make orders in relation to the administration of a regulated debtor's estate
10	Subsections 90-35(5) and (6)	Power to order the reappointment of a former trustee and additional orders
11	Subsection 100-5(2)	Power to approve assignment of a right to sue after trustee's action has commenced

17 Part 2 of Schedule 1 (table)

Repeal the table, substitute:

Item	Provision of these Rules	Description of power (for information only)
1	Rule 1.04	Power to make an order about the application of these Rules
2	Rule 2.03	Power to grant leave to be heard in a proceeding, including the following powers: (a) to impose conditions on the granting of the leave; (b) to revoke the leave; (c) to order the payment of costs; (d) to order that a person not be further heard until costs are paid or secured
3	Rule 2.06	Power to grant leave to oppose an application or a petition
4	Subrule 3.03(5)	Extension of time for compliance with a bankruptcy notice
5	Rule 4.05	Power to make orders as to service of a creditor's petition
6	Rule 6.02	Power to order that an application under section 50 of the Bankruptcy Act for a person to be summoned for examination be heard in the absence of a party or in closed court
7	Rule 6.07	Power to order that an application under section 81 of the Bankruptcy Act for a relevant person to be

Item	Provision of these Rules	Description of power (for information only)
		summoned for examination be heard in the absence of a party or in closed court
8	Rule 6.13	Power to order that an application under section 81 of the Bankruptcy Act for an examinable person to be summoned for examination be heard in the absence of a party or in closed court
9	Paragraph 8.02(4)(c)	Power to make orders as to service of an application under section 180 or subsection 183(1) of the Bankruptcy Act
10	Rule 10.03	Power to make orders with respect to service of applications under section 222 and section 222C of the Bankruptcy Act
11	Rule 11.02	Power to make orders as to service of a creditor's petition presented under section 244 of the Bankruptcy Act
12	Rule 11.05	Power to make orders as to service of a creditor's petition presented under section 247 of the Bankruptcy Act
13	Rule 13.01	Power to order costs, including for a fixed amount