

Magistrates Courts

Practice Direction No. 26 of 2012

PARTY TRANSFERRING BUSINESS; SUBSTITUTION OF TRANSFEREE

1. On 7 September 2012, the Australian Prudential Regulation Authority issued a certificate of transfer under section 18 of the *Financial Sector (Business Transfer and Group Restructure) Act 1999* (Cth) that the total voluntary transfer of Bank of Western Australia Limited (**Bankwest**) to the Commonwealth Bank of Australia Limited (**Commonwealth Bank**) will take effect on 1 October 2012.
2. Where Bankwest is a party to any proceeding already filed in the court prior to 1 October 2012, then by operation of s 22(3) of that Act, Commonwealth Bank is substituted for Bankwest as the party in the proceeding, and has the same rights in the proceeding as Bankwest had.
3. By force of this Practice Direction, Bankwest and the Commonwealth Bank are relieved of the obligations:
 - a. to apply for substitution under Rules 69 and 70 of the *Uniform Civil Procedure Rules*; and
 - b. to amend, file and serve previously filed documents as required by Rule 74 of the *Uniform Civil Procedure Rules*;and the substitution is taken to have been effected procedurally.
4. It will not be necessary for the Registrar to place on the file for any such proceeding a copy of this practice direction or other notification of the substitution. The publication of this practice direction is deemed to be sufficient notification of the substitution.

Judge Brendan Butler AM SC
Chief Magistrate
15 October 2012
