

PRACTICE DIRECTION NUMBER 12 OF 2012

DISTRICT COURT OF QUEENSLAND

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) providing that the total transfer of the business of Bank of Western Australia Limited (**Bankwest**) to the Commonwealth Bank of Australia Limited (**Commonwealth Bank**) take effect on 1 October 2012.
2. Where Bankwest was a party to any proceeding 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 Rule 69 of the *Uniform Civil Procedure Rules*; and
 - b. to amend, file and serve previously filed documents as otherwise 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 sufficient notification of the substitution.

Chief Judge PM Wolfe
12 October 2012