

Book Review: Annotated Bankruptcy Act 1996

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Title: Annotated Bankruptcy Act 1996

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The book is an annotation of the Bankruptcy Act 1996. It is a comprehensive work running to 778 pages. The book has been classified into six major areas.

The first part of the book spells out the provisions of the Bankruptcy Act 1996, verbatim. Each section of the Act has been buttressed with relevant case laws and commentaries. Interestingly, pages 33-40 provide a very concise historical account of the Bankruptcy Act itself. This serves as a good historical pointer to one unfamiliar with the origins of bankruptcy proceedings in Australia. There are also important cross-references to lead the reader to other related provisions of the Act.

The second part of the books sets out in detail the relevant bankruptcy regulations. These have been made pursuant to Section 315 of the principal Act. The provisions of the regulations have not been annotated, as was the case the principal portion of the legislation. This part covers procedural matters relating to the operation of the Act itself.

Because bankruptcy proceedings are specialised, the third part of the book covers the relevant Federal Court Rules of practice and procedure as are applicable to such proceedings.

In particular, Order 77, plus table of amendments, costs and powers and functions of the court as found in schedules 2 and 3 respectively, have been outlined by the author.

The final parts of the book cover important and related aspects, like bankruptcy estate and registration charges. Both Acts governing estates and registration in relation to bankruptcy matters have also been reproduced. The two Acts are Bankruptcy [Estate Charges] Act 1997 and Bankruptcy [Registration Charges] Act 1997.

There is no doubt that this represents a monumental work on the subject in Australia. The work is a product of specialisation in this least understood area of the law. The greatest strength of the work is that it is a 'one stop shop' for all federal bankruptcy matters in Australia. A very fine feature of the book is in its inclusion of all the bankruptcy precedent forms in use today.

South Pacific island states that are on the path to reviewing their bankruptcy laws have a lot to gain from the contents of this book, as are practitioners, students, and judges in the South Pacific states.