

Compulsory Processes of the Federal Court of Australia Cannot be Invoked while Jurisdiction is under Challenge

In a recent case, the Federal Court of Australia held that a US-incorporated corporation which had been served in the US, and which had filed a conditional appearance only to challenge the Court's jurisdiction, was not required to produce documents pursuant to a notice to produce (similar to a subpoena). Jacobson J said (at [10]): 'I do not consider that at this stage of the proceedings in which the jurisdiction is under challenge, the applicant can invoke the compulsory processes of the Court.' See *Armacel Pty Limited v Smurfit Stone Container Corporation* [2007] FCA 1928.