

Instructions for completion

NOTICE OF DISCONTINUANCE

1. This form is to be used if you no longer seek all or some the orders you sought in an application or response you filed in the Federal Magistrates Court of Australia.
2. If your proceeding is a creditor's petition, a divorce, or a family law proceeding relating to the property of a party and one of the parties to the proceeding has died, you will need to obtain leave of the Court or a Registrar before you can file this notice of discontinuance. In all other proceedings, unless you obtain leave of the Court or a Registrar, you must file this notice of discontinuance at least 14 days before the date fixed for the final hearing of the application; see Subrules 13.01(2) and (3) *Federal Magistrates Court Rules 2001* (the Rules).
3. You must complete address for service details in the footer on page 1. All correspondence concerning the notice will be sent to the mailing address inserted and all documents in the proceedings will be deemed to have been served on you if posted to that address. If your address details change, you must file a notice of address for service within seven days, and serve a copy on all other parties; see Rule 6.02.
4. Once complete, you need to file the original and a copy of this notice for each party to the matter with the court registry. The Court will keep the original and return the copies to you. You will need to serve a copy on each other party to the proceeding and any independent children's lawyer as soon as practicable, and keep a copy for your records.
5. Filing this notice does not preclude any other party from continuing their case, and obtaining orders, including an order for costs against you. If you file this notice to discontinue an application in migration proceedings, unless the Court otherwise orders, you will be liable to pay the respondent's costs; see Subrule 44.15(2).
6. If you file this notice and an order for costs is made against you, any future application on the same or substantially the same matter will be stayed until the costs are paid; see Subrule 13.02(3).

Remove this instruction sheet before filing

**IN THE FEDERAL MAGISTRATES COURT
OF AUSTRALIA
REGISTRY:**

File number:
COURT USE ONLY
Court Location
Court date
Court time

.....
Applicant

.....
Respondent

.....
Other party (if applicable)
Repeat as necessary for additional parties

NOTICE OF DISCONTINUANCE

1. Person(s) filing this notice

Family name / surname

Given names

Family name / surname

Given names

2. Document in which you made the application you now want to discontinue

Title of document

Date filed/...../.....

Filed on behalf of _____

Prepared by _____ Lawyer's code _____

Name of law firm _____

Address for service in Australia _____

State _____ Postcode _____

Email _____ DX _____

Tel _____ Fax _____ Attention _____

3. Which of the orders you applied for do you want to discontinue?

(select one box only)

all of them

only some of them (list the orders by the number used in that document – do not set out the orders in full)

.....
.....
.....
.....
.....
.....

Signature of person or lawyer

Signed by person(s) giving this notice lawyer

Date:/...../.....

This notice was prepared by person(s) giving this notice lawyer
(Print name if lawyer)

Form approved by the Chief Federal Magistrate pursuant to Subrule 2.04(1A) for the purpose of Subrule 13.01(1) – June 2008