

Approved Forms – General Division

Forms approved by the Chief Federal Magistrate, pursuant to Subrule 2.04(1a) of the *Federal Magistrates Court Rules 2001*

Form name	Federal Magistrates Rules 2001	Approved	Notes
All Jurisdictions			
Application Subrule 4.01(1)			
<p>Commencing proceedings in the FMC:</p> <ul style="list-style-type: none"> • General Federal Law: Use <i>Application-General Federal Law</i>, other than those that have a separate application; for example, ADJR, bankruptcy and migration (see federal law section over). • Family Law: Use <i>Initiating Application (family law)</i>, including certain child support application; (see family law section over). <p>Interlocutory, interim or procedural orders after commencement:</p> <ul style="list-style-type: none"> • Use <i>Application in a Case</i> where orders are sought after an initiating application has already been filed. 			
<p>Urgent application Rule 5.02</p> <p>Unless otherwise ordered, an urgent application must be made in the form approved for the purpose of starting a proceeding under Subrule 4.01(1) or an application in a case under Subrule 4.08(1). In practice, use the form approved for use to commence proceedings, and where orders are sought after commencement use an <i>Application in a Case</i>.</p>			
<p>MISCELLANEOUS</p> <p>For the purpose of the Federal Magistrates Court Rules below, use an <i>Application-General Federal Law</i> or <i>Initiating Application (family law)</i> where relief is sought at the commencement of proceedings.</p> <p>Where relief is sought after commencement, use an <i>Application in a Case</i>: Rule 13.09 Paragraph 19.02 (2)(a), Subrule 21.1.(3) Subrule 25.16(1) and Rule 25B.07.</p> <p>For a response to a cross-claim use a <i>Response-General Federal Law</i> or a <i>Response</i> in family law proceedings, Subrule 28.05(1).</p>			
Application in a Case	Subrule 4.08(1)	Approved form	
Response	Subrule 4.03(1)	Approved form	<p>Family Law: Use FMC Response</p> <p>General Federal Law: Use <i>Response-General Federal Law</i></p>
Reply	Subrule 4.07(1)	Approved form	
Notice of address for service	Paragraph 6.01(2)(b) Subrule 9.01(4) Subrule 9.02(4)	Approved form	
Notice of intention to withdraw as lawyer	Subrule 9.03(3)	Approved form	
Notice of withdrawal as lawyer	Subrule 9.03(1)	Approved form	
Notice to admit facts	Subrule 15.31(1)	Approved form	
Notice of discontinuance	Subrule 13.01(1)	Approved form	
Subpoena	Subrule 15A.02(2)	Approved form	
Notice of Request to Inspect	15A13(1)(c)	Approved	

		Form	
Application for Review	Subrule 20.02(1)	Approved form	
Affidavit of Service	Rule 6.05	Approved as a form which may be used	

General Federal Law			
Application – General Federal Law Subrule 4.01(1) Approved form – For use where no other specific application is approved			
Response – General Federal Law Subrule 4.031 Approved form - For use where no other specific application is approved			
Administrative Decisions (Judicial Review) ‘ADJR’			
Form 56 – Application for an order of Review under ADJR	Subrule 42.02(1)	Approved for use	Federal Court form
What else is filed? An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2) Also must provide the Court with a copy of the decision and any statement of reasons for the decision			
What is filed in response? Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
Appeal from Administrative Appeals Tribunal (AAT)			
Form 55A – Notice of Appeal (transferred from the Federal Court)	Subrule 43.01	Order 53 of the Federal Court Rules	Federal Court form
Form 55A – Notice of Cross Appeal (add the word “Cross” before Appeal)	Paragraph 43.04(1)(a)	Approved for use	Federal Court form
Admiralty			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
What else is filed? An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
What is filed in response? Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
Bankruptcy			
Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17	Schedule 1, Federal Magistrates Court (Bankruptcy) Rules 2006	Forms prescribed in Schedule 1	
Copyright			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
What else is filed? An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
What is filed in response? Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
Human Rights - Unlawful Discrimination			
Application – Human Rights – Application under Australian Human Rights Commission Act alleging unlawful discrimination	Subrule 41.02A(1)	Approved form	
Response – Human Rights – Response to application under Australian Human Rights Commission Act alleging unlawful discrimination	Subrule 41.04(1)	Approved form	
What else is filed? Rule 4.05 does not apply to an application in the approved form; Subrule 41.02A(2)			
Migration			
Application under Migration Act (varied in light of amendments to the Migration Act by way of the <i>Migration Legislation Amendment Act 2009 (No</i>	Subrule 44.05(1)	Approved form	

1) Approved 4 May 2009			
What else is filed? An affidavit; see Subrule 44.05(2) Also must provide the Court with a copy of the decision and any statement of reasons for the decision			
What is filed in response? Response – General Federal Law; see Subrule 44.06(1)			
Privacy			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
What else is filed? An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
What is filed in response? Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
Trade Practices			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
What else is filed? An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
What is filed in response? Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			

Note: For Industrial law matters please refer to Approved Forms – Fair Work Division

Family Law			
Initiating Application (family law) (Varied to include de facto provisions from 1 March 2009)	Subrule 4.01(1)	Approved form	Joint FMC & FCoA form
<p>What else is filed? Supporting Affidavit</p> <p>If parenting then also: s.601 certificate, or, if seeking exemption by way of, either:</p> <ul style="list-style-type: none"> the affidavit filed with application pursuant to Rule 4.05 <i>Federal Magistrates Court Rules 2001</i>; or the pro-forma affidavit approved for use pursuant to the <i>Family Law Rules 2004</i> Affidavit – Non-Filing of Dispute Resolution Certificate <p>If the factual basis for the exception is included in the affidavit filed pursuant to Rule 4.05, there will need to be some identification of those paragraphs to assist the Registrar in making a determination.</p> <p>If property then also: Financial Statement or Affidavit of financial circumstances (Rule 24.02(1)) Superannuation Information Form (if applicant has a superannuation interest) (Rule 24.02(2))</p>			
Response	Subrule 4.03(1)	Approved form	
Form 4: Notice of Child Abuse or Family Violence	Schedule 3, Part 1 Subrule 2.04(1) Family Law Rules 2004	Approved for use	FCoA form
Financial Statement	Paragraph 24.02(1)(a)	Approved for use	FCoA Form Also note paragraph 24.02(1)(b) which allows for an affidavit of financial circumstances
Application for Contravention	Subrule 25B.02(1)	Approved for use	FCoA form
Superannuation Information Form	Subrule 24.02(2)	Approved for use	FCoA form
Form 45: Notice requiring financial information (enforcement proceedings)	Subrule 25B.05 and Schedule 5	Approved form	
Form 46: Enforcement summons	Subrule 25B.05 and Schedule 5	Approved form	

Child Support

Initiating Application (family law)	Subrule 25A.02(1)	The FMC only has the power to hear certain type of child support matters directly. In these situations, use the Initiating Application (Family law).	
Form 45A: Notice requiring financial information	Subrule 25B.05 and Schedule 5	Approved form identified by that number, or by that number and letter	
Form 45B: Summons – Child Support	Subrule 25B.05 and Schedule 5	Approved form identified by that number, or by that number and letter	
Notice of Appeal – Child Support	Subrule 25A.02(2)	Approved form	Approved form, primarily used in appealing a decision of the SSAT however can be used when seeking to appeal from a decision of the Child Support Registrar (CSR) to issue a departure prohibition order
Brochure			
Child Support Applications	Subrule 25A.07(5)	Approved Brochure	
What else is filed? See Rule 25A.05 Also see requirement to serve a brochure called ‘Child Support Applications’ approved by the Chief Federal Magistrate; Subrule 25A.07(5)			

Divorce			
Application for Divorce	Subrule 25.01(1)	Approved form	
What else is filed?	Marriage Certificate In certain types of proceedings you may have to also file: <ul style="list-style-type: none"> • Exemption form (if applicable) • Translation of Marriage Certificate form (if applicable) • Counselling certificate form (if applicable) • Citizenship certificate form (if applicable) • Affidavit(s) form (if applicable) 		
Response to Divorce	Rule 25.08 Subrule 25.09(1)	Approved form	
Affidavit of Service by Post	Subrule 25.05(1)	Approved form	
Affidavit of Service by Hand	Subrule 25.05(1)	Approved form	
Acknowledgment of Service	Paragraph 25.03(a) Subrule 25.04(1)	Approved form	
Affidavit Proving Signature	Rule 25.07	Approved form	
Notice of Discontinuance	Subrule 25.17(3)	Approved form	
Affidavit for eFiling Application (Divorce)	Rule 2.05	Approved form	
Brochure			
Marriage families and separation	http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Separation+and+Divorce/Separation/Marriage%2C+families+and+separation		