

# Instructions for completion

## APPLICATION – General Federal Law

1. This form is used for commencing a general federal law proceeding where no other form of application is applicable under the *Federal Magistrates Court Rules 2001* (the Rules).
2. Do not use this form if your application relates to family law, child support or matters arising under the *Bankruptcy Act 1966*, *Administrative Decisions (Judicial Review) Act 1977* or *Migration Act 1958*. Ask registry staff for appropriate forms in these jurisdictions.
3. You must complete address for service details in the footer on page 1. All correspondence concerning the application 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. You must insert the name/s and address/es of each respondent in the ‘Important Notice to Respondent/s’ box at the end of the form.
5. The grounds of the application must explain briefly the basis on which the orders are sought. Alternatively, you may file a pleading by way of a statement of claim or points of claim. Such a pleading should comply with Part 16 of the *Federal Court Rules 2011*. It should identify in summary form the material facts on which you rely, but not the evidence by which those facts are to be proved. All necessary particulars must be given, including any claim of fraud, misrepresentation, breach of trust, wilful default, undue influence and damages.
6. The evidence supporting this application must be provided by affidavit/s filed with this application; see Subrule 4.05(1). The affidavit must include a full narrative of all facts, matters and circumstances, including documentary evidence, upon which you rely. However, an affidavit is not required in certain circumstances; see Subrule 4.05(2).
7. Unless the Court orders otherwise, an application and other documents filed with it may not be served less than seven days before the day fixed for the hearing of the application; see Rule 6.19. Service must be by hand, unless the Rules allow otherwise or the Court otherwise orders. The application and other documents must be served on each party and the person against whom orders are sought if that person is not a party.
8. If your application is for interlocutory, interim or procedural orders in a proceeding which has already commenced, you should use the Application in a Case form.
9. If you are completing this application by hand and you need more space in any section, attach extra page/s as required.
10. Once complete, you need to file the original and a copy of this application for each party to the matter with the court registry. The Court will keep the original and return the sealed copies to you. You will need to serve a copy on the other party or parties and keep a copy for your records.

### **A small claim proceeding under the National Consumer Credit Protection Act 2009**

If your claim is for \$40,000 or less and involves an order which is covered by subsection 199(2), you can elect to use the small claims procedure of this Court.

In a matter which is dealt with by the Court's small claim procedures:

- (a) the Federal Magistrate is not bound by any rules of evidence;
- (b) the Federal Magistrate may correct any mistake in the application;
- (c) the Federal Magistrate can act in an informal manner and without regard to legal form and technicalities; and
- (d) neither party can be represented by a lawyer unless the Federal Magistrate permits this.

If you elect to have your claim dealt with using the small claims procedure you need to tick the relevant box in the application.

**Remove this instruction sheet before filing**

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

File number

.....  
Applicant

.....  
Respondent

*\* Repeat as necessary for additional parties*

**APPLICATION - General Federal Law**

**Type of application**

This application is commenced in the Court's jurisdiction under the (specify Act or Acts):

.....

**National Consumer Credit Claims only – Small Claims List**

The applicant elects for this proceeding to be dealt with under the Court's small claims procedures.

Yes

No

**First court date**

This application is listed for hearing at (court location): .....

Court date and time (registry staff to insert): ..... at ..... am/pm.

All parties or their legal representatives should attend this hearing. Default orders may be made if any party fails to attend. The Court may hear and determine all interlocutory or final issues, or may give directions for the future conduct of the proceeding.

.....  
(for) Registrar

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

**Final orders sought by applicant/s** (state precisely each order sought by way of final relief)

- 1.
- 2.
- 3.

**Grounds of application** (state briefly the grounds of the application)

- 1.
- 2.
- 3.

**Interlocutory, interim or procedural orders sought by applicant/s** (complete only if interlocutory, interim or procedural orders are sought)

- 1.
- 2.
- 3.

**Signature of applicant/s or lawyer**

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Signed by (print name/s)

.....

the applicant/s or  lawyer for the applicant/s

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

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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 \_\_\_\_\_

**IMPORTANT NOTICE TO RESPONDENT/S**

To the respondent (name): .....

of (address):

.....

*\* If there are two or more respondents, provide details*

.....

You should seek legal advice about this application. You may file a response. If you file a response, you must file and serve the response within 14 days of receiving this application. You may also need to file an affidavit; see Rule 4.05 of the *Federal Magistrates Court Rules 2001*. If you do not file a response, you must file and serve a notice of address for service before the hearing.

Form approved by the Chief Federal Magistrate for general federal law proceedings pursuant to Subrule 2.04(1A) for the purpose of Subrule 4.01(1) – March 2011