

# 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
<b>All Jurisdictions</b>			
Application Subrule 4.01(1)			
<p><b>Commencing proceedings in the FMC:</b></p> <ul style="list-style-type: none"> <li>• <b>General Federal Law:</b> 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).</li> <li>• <b>Family Law:</b> Use <i>Initiating Application (family law)</i>, including certain child support application; (see family law section over).</li> </ul> <p><b>Interlocutory, interim or procedural orders after commencement:</b></p> <ul style="list-style-type: none"> <li>• Use <i>Application in a Case</i> where orders are sought after an initiating application has already been filed.</li> </ul>			
<p><b>Urgent application Rule 5.02</b></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><b>MISCELLANEOUS</b></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><b>Family Law:</b> Use FMC Response</p> <p><b>General Federal Law:</b> 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	

<b>General Federal Law</b>			
Application – General Federal Law Subrule 4.01(1) Approved form – For use where no other specific application is approved			
Response – General Federal Law Subrule 4.03(1) Approved form - For use where no other specific application is approved			
Applicant's Genuine Steps statement subrule 4.09(1) Approved form as required by section 6 of the <i>Civil Dispute Resolution Act 2011</i> for certain proceedings (see Part 4 of the Act for <i>excluded proceedings</i> ).			
Respondent's Genuine Steps statement subrule 4.10(1) Approved form as required by section 6 of the <i>Civil Dispute Resolution Act 2011</i> for certain proceedings (see Part 4 of the Act for <i>excluded proceedings</i> ).			
<b>Administrative Decisions (Judicial Review) 'ADJR'</b>			
Form 56 – Application for an order of Review under ADJR	Subrule 42.02(1)	Approved for use	Federal Court form
<b>What else is filed?</b> 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			
<b>What is filed in response?</b> Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
<b>Appeal from Administrative Appeals Tribunal (AAT)</b>			
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
<b>Admiralty</b>			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
<b>What else is filed?</b> An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
<b>What is filed in response?</b> Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
<b>Bankruptcy</b>			
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	
<b>Copyright</b>			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
<b>What else is filed?</b> An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
<b>What is filed in response?</b> Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
<b>Human Rights - Unlawful Discrimination</b>			
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	

<b>What else is filed?</b> Rule 4.05 does not apply to an application in the approved form; Subrule 41.02A(2)			
<b>Migration</b>			
Application under Migration Act (varied in light of amendments to the Migration Act by way of the <i>Migration Legislation Amendment Act 2009 (No 1)</i> Approved 4 May 2009	Subrule 44.05(1)	Approved form	
<b>What else is filed?</b> 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			
<b>What is filed in response?</b> Response – General Federal Law; see Subrule 44.06(1)			
<b>Privacy</b>			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
<b>What else is filed?</b> An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
<b>What is filed in response?</b> Response – General Federal Law An affidavit or defence or points of defence; see Subrule 4.05(3)			
<b>Trade Practices</b>			
Application – General Federal Law	Subrule 4.01(1)	Approved form	
<b>What else is filed?</b> An affidavit or statement of claim or points of claim; see Subrule 4.05(1) and (2)			
<b>What is filed in response?</b> 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**

<b>Family Law</b>			
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><b>What else is filed?</b> Supporting Affidavit</p> <p>If <b>parenting</b> then also: s.601 certificate, or, if seeking exemption by way of, either:</p> <ul style="list-style-type: none"> <li>the affidavit filed with application pursuant to Rule 4.05 <i>Federal Magistrates Court Rules 2001</i>; or</li> <li>the pro-forma affidavit approved for use pursuant to the <i>Family Law Rules 2004 Affidavit – Non-Filing of Dispute Resolution Certificate</i></li> </ul> <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 <b>property</b> 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
Application – Draft Consent Parenting Orders and allegations of abuse or family violence	Rule 13.04A	Approved for use	
Enforcement Warrant – Seizure & Sale of Property	Rule 25B.22	Approved for use	FCoA form
Third Party Debt Notice	Rule 25B.40	Approved for use	FCoA form

<b>Child Support</b>			
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).	
<b>What else is filed?</b> Supporting Affidavit			
<b>Enforcement Proceedings</b>			
Application in a Case	Subrule 25B.09(2)(a)		
<b>What else is filed?</b> Supporting Affidavit			
Enforcement Warrant – Seizure & Sale of Property	Rule 25B.22	Approved for use	FCoA form
Third Party Debt Notice	Rule 25B.40	Approved for use	FCoA form
<b>Brochure</b>			
Enforcement Hearings	Subrule 25B.17(3)(b)	Approved Brochure	
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
<b>Brochure</b>			
Child Support Applications	Subrule 25A.07(5)	Approved Brochure	
<b>What else is filed?</b> 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)			

<b>Divorce</b>			
Application for Divorce	Subrule 25.01(1)	Approved form	
<b>What else is filed?</b>	Marriage Certificate  In certain types of proceedings you may have to also file: <ul style="list-style-type: none"> <li>• Exemption form (if applicable)</li> <li>• Translation of Marriage Certificate form (if applicable)</li> <li>• Counselling certificate form (if applicable)</li> <li>• Citizenship certificate form (if applicable)</li> <li>• Affidavit(s) form (if applicable)</li> </ul>		
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	
<b>Brochure</b>			
Marriage families and separation	<a href="http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Separation+and+Divorce/Separation/Marriage%2C+families+and+separation">http://www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Separation+and+Divorce/Separation/Marriage%2C+families+and+separation</a>		