

Instructions for completion

NOTICE OF APPEAL (Child Support)

1. This form is used when seeking to appeal from a decision of the Social Security Appeals Tribunal (SSAT) or from a decision of the Child Support Registrar (CSR) to issue a departure prohibition order; both under the *Child Support (Registration and Collection) Act 1988*.
2. 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 of the *Federal Magistrates Court Rules 2001* (the Rules).
3. 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.
4. The grounds of the appeal must explain briefly the basis on which the orders are sought.
5. You must annex a copy of the SSAT's decision or the CSR's departure prohibition decision and the statement of reasons for that decision to the Notice of Appeal. The SSAT's decision will usually include the statement of reasons. You may also file a completed financial statement in accordance with the approved form and any further affidavits on which you seek to rely. See Subrule 25A.05(1) and (2). However, further evidence will not normally be admitted on the hearing of an appeal. If you wish to rely on further evidence, you must indicate this on the Notice of Appeal and file an affidavit setting out the additional evidence that is to be relied on.
6. Unless the Court orders otherwise you must file an appeal from a decision of the SSAT within 28 days of receiving a written statement of reasons for the decision; see Subrule 25A.06(2). You can only appeal a decision of the SSAT on a question of law; for more information, seek legal advice.
7. You must serve the Notice of Appeal at least 28 days, and any other documents on which you intend to rely at least 21 days before the hearing date. The persons to be served include the respondent, a parent or eligible carer, and the Child Support Registrar. If you are appealing from a decision of the SSAT you must serve the Notice of Appeal (and other documents) on the SSAT within seven days of the day of filing the appeal. See Rule 25A.07.
8. You must serve on the respondent a brochure called *Child Support Applications*, which is available at www.fmc.gov.au or from the court registry.
9. If you are completing this application by hand and you need more space in any section attach extra pages/s as required.
10. Once complete, you need to file the original and three or four copies of this application 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 respondent, the CSR and the Executive Director of the SSAT (if it is an appeal from the SSAT). You will also need to keep a copy for your records.

Remove this instruction sheet before filing

**IN THE FEDERAL MAGISTRATES COURT
OF AUSTRALIA**

REGISTRY:

COURT USE ONLY
File number
Court Location
Court date
Court time

.....
Applicant

.....
Respondent

.....
Other party (if applicable)

Repeat as necessary for additional parties

NOTICE OF APPEAL (Child Support)

Appeal (mark box that applies)

- Appeal from decision of the Social Security Appeals Tribunal
- Appeal from decision of the Child Support Registrar to issue a departure prohibition order

This appeal is listed for hearing at the Court location on the date and at the time specified in the 'Court Use Only' box above.

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 issues, or may give directions for the future conduct of the proceeding.

.....
(for) Registrar
Date:/...../.....

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 _____

Orders sought:

- 1.
- 2.
- 3.

Grounds of appeal

- 1.
- 2.
- 3.

Material relied on

- Annexed is a copy of the notice of the decision.
- Annexed is a copy of the reasons for the decision.
- The appellant seeks to rely on the following additional material at the hearing:
 - 1. [transcript]
 - 2. affidavit of [name]
 - 3. financial statement of [name]
 - 4. other [provide details]

Signature of appellant or lawyer

Signed by (print name)

the appellant or lawyer for the appellant

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

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 notice of appeal. You should also carefully read the enclosed brochure *Child Support Applications*. You may file a notice of cross appeal. If you file a notice of cross appeal, you must file and serve the notice of cross appeal within 21 days of receiving this notice of appeal. If you do not file a notice of cross appeal, you must file and serve a notice of address for service before the hearing.