



# Federal Court Rules

**Statutory Rules 1979 No. 140 as amended**

made under the

*Federal Court of Australia Act 1976*

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This compilation was prepared on 1 January 2009  
taking into account amendments up to SLI 2008 No. 244

This document has been split into four volumes

Volume 1 contains Orders 1 to 51,

Volume 2 contains Orders 51A to 82,

**Volume 3** contains the Schedules 1 to 4, and

Volume 4 contains the Notes

Each volume has its own Table of Contents

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

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51	Summons
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53	Notice of a constitutional matter under section 78B of the <i>Judiciary Act 1903</i>
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64	Application for determination of equitable remuneration under <i>Circuit Layouts Act 1989</i> (subsection 20 (2))
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129	Application under Part IVA of the <i>Federal Court of Australia Act 1976</i>
130	Notice of consent to be a group member
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146	Notice of intention to adduce tendency evidence
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161	Referral certificate
162	Notice by party other than applicant that the party wishes to cease to be a party
163	Notice of change in address for service or contact details
164	Notice of appointment of society, organisation, association or other body to act as agent for party
165	Notice of change in name, contact details or address for service of society, organisation, association or other body appointed as agent for party or of appointment of new agent
166	Application for leave to be represented by a person who is not a barrister or solicitor
167	Claim under the <i>Human Rights and Equal Opportunity Commission Act 1986</i> alleging unlawful discrimination
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**Form 2      Abbreviated entitling of document**

(Order 41, subrule 1 (4))

IN THE FEDERAL COURT OF AUSTRALIA }  
   } No.    of 19 .  
   } DISTRICT REGISTRY

A.B. and Others

Applicants

C.D.

Respondent

and cross-claimants

**Version 1**

**Form 3      Document where there is no respondent**

(Order 41, subrule 1 (3))

IN THE FEDERAL COURT OF AUSTRALIA }  
   } No.    of 19 .  
   } DISTRICT REGISTRY

The application of A.B.

**Version 1**

**Form 4      Conclusion of document for signature**

(Order 41, rule 6)

Date: e.g. 7 May, 19    .

*(Signed, applicant or his solicitor).*

**Version 1**

## **Form 5      Application**

(Order 4, rule 1)

*(State briefly the nature of the subject of the application or cross-claim and the legislative basis of the court's jurisdiction to hear it and grant the relief sought. The required statement is not taken to be part of the pleading.)*

### **A.      DETAILS OF CLAIM**

On the grounds stated in the accompanying affidavit or statement of claim (or, if applicable, Claim of unlawful termination of employment in accordance with Form 5A, or Claim under the *Human Rights and Equal Opportunity Commission Act 1986* alleging unlawful discrimination in accordance with Form 167), the applicant claims:

1. *(Specify in numbered paragraphs all final relief sought.)*
- 2.
- 3.

### **B.              CLAIM FOR INTERLOCUTORY RELIEF**

*(Complete this section if you wish to claim interlocutory relief)*

AND the applicant claims by way of interlocutory relief:

1. *(Specify in numbered paragraphs all interlocutory relief sought.)*
- 2.
- 3.

Date: eg, 7 May 19

*(signed, applicant or applicant's solicitor)*

### **C.              NOTICE TO RESPONDENT**

*(Complete this section if there is a respondent)*

TO the respondent of *(insert address)*:

This application has been set down for the time and place stated below. If you or a legal practitioner representing you do not attend the Court at that time, the application may be dealt with and judgment may be given, or an order made, in your absence. As soon after the time mentioned as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

Before any attendance at Court, you must file an appearance in the Registry.

Time and date for hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

#### **D. ABRIDGMENT OF SERVICE**

*(Complete this section if the time for service has been abridged)*

The time by which this application is to be served has been abridged by order made on *(insert date)* to *(insert time and date)*.

Date: eg, 7 May 19

*(signed, Registrar)*

#### **E. FILING AND SERVICE**

This application is filed by *(insert name)* for *(insert name)* whose address for service is *(insert address)*.

The applicant's address is *(if the applicant is an individual, specify place of residence or business; if the applicant is a corporation, specify principal place of business)*.

It is not intended to serve this application on any person.

OR

It is intended to serve this application on each person listed below:

*(insert name of each person on whom application is to be served)*

**Version 4**

## Form 5A Claim of unlawful termination of employment

(Order 48, paragraph 4 (2) (b))

<b>Federal Court of Australia</b>	Court use only
	file number
<b>Claim of unlawful termination of employment</b>	date received
<i>Workplace Relations Act 1996 (Cth) section 663</i>	

application by the employee alone  union  - give name of union:

### Details of employee

1	full name	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/>
		Family name                  given names
2	home address	
		postcode
3	phone	(business hours) ( )
		(after hours) ( )
4	date of birth	day/month/year
5	first language	English <input type="checkbox"/> other <input type="checkbox"/> (specify)

### Details of employment

6	employer's name	
7	employer's trading address or registered office	postcode
		phone ( )
		fax ( )
8	work performed for employer (occupation)	
9	place of work	suburb/town                  postcode

10	period of employment	date started work	last date worked
		/ /	/ /

11	were you given a written notice of termination?	No <input type="checkbox"/>
		Yes <input type="checkbox"/> - I attach a copy

**Details of union**

12	Is your union acting on your behalf?	No <input type="checkbox"/> go to 16
		Yes <input type="checkbox"/> go to 13

13	name of union
----	---------------

14	address	postcode
----	---------	----------

15	contact person - name	
	- phone	( ) fax ( )

**Details of solicitor**

16	Is a solicitor representing you?	No <input type="checkbox"/> go to 20	Yes <input type="checkbox"/> go to 17
----	----------------------------------	--------------------------------------	---------------------------------------

17	solicitor's name
----	------------------

18	name of solicitor's firm
----	--------------------------

19	address	postcode
	DX	
	phone ( )	fax ( )

**Notices from the Court**

20	Where do you want notices from the Court sent?	address in 2 <input type="checkbox"/>	union in 13-15 <input type="checkbox"/>
		solicitor in 17-19 <input type="checkbox"/>	other <input type="checkbox"/> give details

**Remedy sought**

21	What are you asking the Court for?	reinstatement <input type="checkbox"/>	compensation <input type="checkbox"/>
		other <input type="checkbox"/> - give details	

**Declaration**

I declare that all the facts in this form are correct and complete to the best of my knowledge and belief.

*If a union is applying on behalf of the employee, a union representative must sign here*

I understand that the Court usually arranges for mediation first. If the matter is settled at a mediation conference, it will not be necessary to go to Court.

signature for union	date
	/ /

*The employee must sign this declaration\**

name (print)	position
--------------	----------

signature of employee	date
	/ /

*If a solicitor or representative has prepared the application, that person must sign here*

*\*Note: The application need not be signed by the employee if the Registrar is satisfied that obtaining the employee's signature would cause undue difficulty or delay AND the claim is made by a trade union on the employee's behalf, or the application has been prepared by a solicitor or a representative under section 854 of the Workplace Relations Act 1996.*

signature of solicitor or authorised representative	date
	/ /

name (print)	position
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**Version 2**

## **Form 6      Rule to show cause**

(Order 48, rule 8)

ORDER

JUDGE:

DATE OF ORDER:

WHERE MADE:

THE COURT ORDERS THAT (*insert name of respondent*) appear before the Federal Court of Australia at (*address of Court*) in the State/Territory of (*State or Territory*) on (*insert date*) at (*insert time*) to show cause why (*insert nature of relief required*) on the grounds, or for the reasons, set out in the affidavit of (*insert name of deponent*) sworn on (*insert date affidavit was sworn*) accompanying this Rule.

(*signed, District Registrar*)

Date entered:

AND THE APPLICANT CLAIMS BY WAY OF INTERLOCUTORY RELIEF:

- 1.
- 2.

(*give details*)

Date: eg, 7 May 19

Article I.      (*Signed, applicant or applicant's solicitor*)

TO THE RESPONDENT (*insert name and address*):

A directions hearing (and any claim by the applicant for interlocutory relief) will be heard by the Court at the time and place mentioned above. If you or a legal practitioner representing you do not appear before the Court, the rule to show cause may be dealt with and judgment may be given or an order made in your absence. Before you or a legal practitioner representing you appear before the Court at the time and place mentioned above, you must file an appearance in the Registry.

The applicant's address for service is (*insert address for service*).

**Version 2**

**Form 7      Statement of claim**

(Order 4, rule 6, Order 11)

1. } Plead as required by the Rules.  
2. }

The applicant claims the relief specified in the application.

*(Particulars under Order 12 may be given as follows, for example:*

**PARTICULARS OF FRAUD** *(Or Other Appropriate Heading)*

1. } State the relevant particulars.  
2. }

*(These particulars may appear in the relevant place in the statement of facts or separately at the end of the pleading, whichever is convenient.)*

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 1**

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**Form 8 Cross-claim where cross-claim is served before date of directions hearing appointed in application**

(Order 5, subrules 5 (2) and 8 (3))

*(Specify briefly the nature of the subject of the application or cross-claim and the legislative basis of the Court's jurisdiction to hear and determine it and grant the relief sought. Note: This statement does not form part of the pleading.)*

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No. of 19 .

A.B. Applicant  
C.D. Respondent  
C.D. Cross-claimant  
E.F. Cross-respondent

**CROSS-CLAIM**

*(If the proceeding was commenced by application supported by a statement of claim or the Court has ordered that the proceeding continue on pleadings — plead as required by the Rules. In any other case, subject to the Rules — file an affidavit in support of the cross-claim)*

The cross-claimant C.D. claims —

1. }  
2. } *(Specify relief sought)*

*(Particulars under Order 12 may be given in the manner indicated in the prescribed form of Statement of Claim under Form 7.)*

Date: e.g. 7 May 19 .

*(Signed, applicant or his solicitor)*

---

To E.F. (*address*)

A directions hearing in this application including this cross-claim will be heard by the Court at the time and place specified below.

If there is no attendance before the Court by you or a legal practitioner representing you, the cross-claim may be dealt with and judgment may be given or an order made in your absence. Before any attendance at that time you must file an appearance in the Registry.

Time: (*Date and time to be entered by Registry unless fixed by Court*).

Place: (*Address of Court*).

(*Where the time for service has been abridged, add —*

The time by which this cross-claim is to be served has been abridged by the Court to (*specify time*).

Date: e.g. 7 May, 19 .

(*Signed, Registrar*)

The cross-claimant's address for service is (*specify address for service*).

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 3**

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**Form 9      Cross-claim where cross-claim is not  
served before date of directions hearing  
appointed in application**

(Order 5, subrules 5 (2) and 8 (3))

*(Specify briefly the nature of the subject of the application or cross-claim and the legislative basis of the Court's jurisdiction to hear and determine it and grant the relief sought. Note: This statement does not form part of the pleading.)*

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No. of 19 .

A.B  
Applicant  
C.D.  
Respondent  
C.D.  
Cross-claimant  
E.F.  
Cross-respondent

**CROSS-CLAIM**

*(If the proceeding was commenced by application supported by a  
1. } statement of claim or the Court has ordered that the proceeding continue  
2. } on pleadings — plead as required by the Rules. In any other case, subject  
to the Rules — file an affidavit in support of the cross-claim)*

The cross-claimant C.D. claims —

1. }  
2. } *(Specify relief sought)*

*(Particulars under Part II may be given in the manner indicated in the prescribed form of statement of Claim under Form 7.)*

Date: e.g. 7 May, 19 .

.....  
*(Signed, cross-claimant or his solicitor)*

---

To E.F. (*address*)

1. Judgment may be given or an order made unless the prescribed form of notice of your appearance is received in the Registry within 14 days after service of this statement of cross-claim upon you and you comply with the Rules of Court relating to your defence.

Date: e.g. 7 May, 19 .

.....  
(*Signed, Registrar*)

The cross-claimant's address for service is (*specify address for service*).

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 2**

## Form 10 Defence and cross-claim against a party

(Order 5, subrule 5 (2))

*(Specify briefly the nature of the subject of the application or cross-claim and the legislative basis of the Court's jurisdiction to hear and determine it and grant the relief sought. Note: This statement does not form part of the pleading.)*

IN THE FEDERAL COURT OF AUSTRALIA } No. of 19  
DISTRICT REGISTRY }

A.B. Applicant  
C.D. Respondent  
C.D. Cross-claimant  
A.B. Cross-respondent

### DEFENCE AND CROSS-CLAIM

#### Defence

*(If the proceeding was commenced by application supported by a statement of claim or the Court has ordered that the proceeding continue on pleadings — plead as required by the Rules. In any other case, subject to the Rules — file an affidavit in support of the cross-claim)*

#### Cross-Claim

*(If the proceeding was commenced by application supported by a statement of claim or the Court has ordered that the proceeding continue on pleadings — plead as required by the Rules. In any other case, subject to the Rules — file an affidavit in support of the cross-claim)*

The cross-claimant C.D. claims —

1. }  
2. } *(Specify the relief claimed)*

*(Particulars as in Form 8)*

*(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)*

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 2**

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## Form 11 Notice for pleadings

(Order 5, rule 6)

To: *(name of cross-claimant)*:

*(name of cross-respondent)*

requires you to serve upon him, within 3 days after service of this notice upon you, copies of all pleadings *(or as the case may require)* filed before the filing of your Cross-claim.

*(Follow the prescribed form of conclusion of documents for use by a party, Form 4)*

### Version 1

## Form 12 Notice of service to document exchange, facsimile number or email address

(Order 7, rule 7)

The *(applicant)* may be served:

\* (a) by sending a document to be served to the following exchange box in *(insert name of capital city)* of *(insert name of document exchange)*:

*(Name of solicitor whose exchange box it is)*

*(Exchange box number)*

\* (b) by sending a document to be served to the following facsimile number:

*(insert facsimile number)*

\* (c) by sending a document to be served electronically to the following email address:

*(insert email address)*

\* *delete if not applicable*

### Version 1

## **Form 14A   Request to Court for service in a foreign country**

(Order 8, rule 9)

I, *(insert name)*  
request that *(identify document(s) to be served)*  
be transmitted \*in accordance with the *(insert name of convention)*/\*through the  
diplomatic channel to *(insert name of country)*  
for service on the respondent *(insert name of respondent)*  
at *(insert address for service)* or elsewhere in *(insert name of country)*.

I personally undertake to be responsible for all expenses incurred by the Commonwealth in respect of the requested service and, on receiving due notification of the amount of the expenses, will pay the amount to the Commonwealth and will produce the receipt for that payment to the proper officer of the Federal Court of Australia.

Dated

.....  
*(Signature of solicitor)*

\* *Omit if inapplicable*

**Version 2**

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## **Form 14B Request for transmission of notice to a foreign government**

(Order 8, rule 9)

The Chief Justice of the Federal Court of Australia at *(insert address of relevant registry)* requests the Secretary of the Attorney-General's Department\*/Department of Foreign Affairs and Trade\* to transmit to the government of *(insert name of country)* the following documents:

with the requests that:

- (a) the documents be served on *(insert name of respondent)*, against whom these proceedings have been taken in the Federal Court of Australia, in accordance with the law of *(insert name of country)*; and
- (b) evidence of service of the documents be officially certified or declared (on oath or otherwise) to this Court in such manner as is consistent with usage or practice of the courts in *(insert name of country)* in proving service of legal process.

\*The Chief Justice further requests that, if efforts to effect personal service of the documents prove ineffectual, the government or court of *(insert name of country)* be requested to certify or declare (on oath or otherwise) that fact to this Court.

\*The following information is provided in support of the request:

*(insert any additional information that may be required by any convention applying to the service of the documents)*

Dated

\* *Omit if inapplicable. The request should be made to:*

- (a) *if the Attorney-General's Department is the Central Authority for the purposes of a convention that applies to the service of the documents — the Secretary of the Attorney-General's Department;*  
*or*
- (b) *in any other case — the Secretary of the Department of Foreign Affairs and Trade.*

**Version 2**

## **Form 15      Notice of appearance**

(Order 9, subrule 3 (1))

A.B.

of *(address)* *(occupation)* appears [by his/her tutor *(name of tutor)*]\*.

*(Add other notices, for example, under Order 5, rule 6, relating to notice for pleadings.)*

Solicitor:            *(name)*  
                          *(address)*  
                          telephone:    *(number)*  
                          facsimile:    *(number)*  
                          email address:

Solicitor's agent:    *(name)*  
                          *(address)*  
                          telephone:    *(number)*  
                          facsimile:    *(number)*  
                          email address:

Address for service: *(The office of his/her solicitor, or as the case may be; see Order 7, rule 6.)*

*(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)*

*(This notice of appearance may be added to a notice of motion of a person applying to be added as a respondent, for example, under Order 6, rule 8.)*

*(If, under Order 9, rule 6, a respondent wishes to enter a conditional appearance insert 'conditionally' after 'appear'.)*

\*Omit if inapplicable.

**Version 2**

## Form 15B Certificate of legal practitioner

(Order 11, rule 1B)

I (*name of legal practitioner*) certify to the Court that, in relation to the pleading dated (*insert date*) filed on behalf of the (*party, eg applicant, respondent*), the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non-admission in the pleading.

Date:

Legal practitioner representing  
the (*party, eg applicant, respondent*)

### Version 3

## Form 16 Defence

(Order 11, rule 20)

(*Plead as required by the Rules, for example —*

- 1. The respondent denies &c.)

(*or*)

(*where one of two or more respondents*)

DEFENCE OF A.B.

- 1. This respondent denies &c.)

(*Follow the prescribed form of conclusion of documents for use by a party, Form 4.*)

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

### Version 1

**Form 17      Reply**

(Order 11, rule 22)

*(Plead as required by the Rules and see Order 11 relating to joinder of issue.)*

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 1**

**Form 18      Reply and defence to cross-claim**

(Order 11, subrule 22 (2))

REPLY

*(plead as required by the Rules.)*

DEFENCE TO CROSS-CLAIM

*(plead as required by the Rules.)*

This pleading was prepared by ..... counsel/solicitor\*

\* Omit if inapplicable

**Version 1**

**Form 19      Notice of amendments**

(Order 13, rule 8)

The *(describe document)* was amended on e.g. 7 May, 19 , pursuant to an order made on , 19 *(pursuant to Order rule )* by —

omitting “.....”

*(omitting* “.....” and inserting

“.....”)

*(inserting* “.....”).

**Version 1**

---

**Form 20 Affidavit**

(Order 14, rule 2)

IN THE FEDERAL COURT OF AUSTRALIA

DISTRICT REGISTRY

No. of 20 .

A.B. and Others

Applicants

C.D.

Respondent

and cross-claimants

Affidavit of [*deponent*]

**Contents\***

Document number	Details	Paragraph	Page
1	Affidavit of [ <i>deponent</i> ] in support of application for [ <i>insert details</i> ] sworn/affirmed on [ <i>date</i> ]		
2	Annexure “A”, being copy of [ <i>brief description</i> ]		
3	Annexure “B”, being copy of [ <i>brief description</i> ]		
...			

---

On [*date*], I [*name address and occupation*] say on oath —

1.

2.

Sworn at

before me:

}

\* A table of contents is required if the affidavit (including any annexures) is more than 30 pages long.

**Version 2**

## **Form 20A    Affidavit — certificate of compliance**

(Order 14, rule 5A)

I, (*name of solicitor*), certify to the Court that the affidavit of (*name of deponent*) \*sworn/\*affirmed on (*date*) filed on behalf of the (*party, eg applicant, respondent*) complies with Order 14, rule 2 of the Federal Court Rules.

Date:

Solicitor for the  
(*party, eg applicant, respondent*)

\* *Omit if inapplicable*

### **Version 2**

## **Form 21    Notice for discovery**

(Order 15, rule 1)

To the respondent:

The applicant requires you to give discovery of documents with verification within (*insert number of days specified by the Court*) days after service of this notice upon you.

### **Version 2**

## **Form 22 List of documents**

(Order 15, rule 6)

Pursuant to notice filed (*or order made*) on e.g. 7 May, 19 , the party says:

1. The party has in his possession, custody or power, the documents enumerated in Schedule 1.
2. The documents enumerated in Part 2 of Schedule 1 are privileged from production on the ground —
  - (a) as to documents numbered 4 to 7 inclusive, that (state the ground);
  - (b) as to documents 8 and 9, that (state the ground).
3. The party has had, but does not now have, in his possession, custody or power, the document enumerated in Schedule 2.
4. (a) document 10, referred to in Schedule 2 was last in the respondent's possession, custody or power on (*state when*);
  - (b) (*state what has become of it*); or
  - (c) to the best of the respondent's knowledge, information and belief (*state in whose possession, custody or power it is and where it is*).
5. To the best of the respondent's knowledge, information and belief neither the respondent nor his solicitor nor any other person on his behalf has now, or ever had, in his possession, custody or power, any document required to be disclosed for the purposes of Order 15 subrule 2 (3) (*to be altered according to the terms of any order made under Order 15, rule 5*), other than the documents enumerated in the said Schedule 1 and 2.

(Describe each document in the schedules as original or copy, see Order 18, rule 3.)

### SCHEDULE 1

#### Part 1

- 1.
- 2.
- 3.

Part 2

- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

SCHEDULE 2

- 10.

*(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)*

AFFIDAVIT

On                   , 19                   , I,                   (*name*)                   say on oath: —

1. I am the respondent.
2. The statements of fact made in paragraphs 1, 2, 3, 4 and 5 of the above list are true.

Sworn etc.

I certify that, according to my instructions, this list and the statements in it are correct.

The documents enumerated in Part 1 of Schedule 1 may be inspected at  
(*address*)

on                   , 19                   between (*specify time under Order 15, rule 6*).

Respondent's solicitor

**Version 1**

---

## Form 23 Notice to answer interrogatories

(Order 16, rule 1)

Within \_\_\_\_\_ days after service of this notice upon each of them respectively, CD is required to answer interrogatories numbered 1 to 8 (and verify his answers) and EF is required to answer interrogatories numbered 1 to 12 (and verify his answers).

### INTERROGATORIES

1. *(State the question.)*
2. *(State the question.)*

### Version 1

## Form 24 Example of verified statement in answer to interrogatories

(Order 16, rules 6 and 7)

The respondent EF Pty Ltd answers the applicant's interrogatories specified in notice filed on e.g. 7 May, 19\_\_\_\_, as follows:

- 1A. *(State in full the interrogatory.)*
- 1B. *(State the answer.)*
- 2A. *(State in full the interrogatory.)*
- 2B. (a) The respondent objects to answer on the grounds of privilege;  
(b) *(State the facts on which this objection is based.)*

*(Follow the prescribed form of conclusion of documents for use by a party, Form 4.)*

### AFFIDAVIT

On \_\_\_\_\_, 19\_\_\_\_, I \_\_\_\_\_ (name), of \_\_\_\_\_ (address)  
\_\_\_\_\_ (occupation) say on oath:

1. I am the secretary of the respondent and am authorised to make this affidavit on its behalf.

2. *(The deponent should state which of the answers are true to his own knowledge and which are true to the best of his knowledge, information and belief based on his inquiries of officers of the company and others and on his other investigations.)*

Sworn &c.

### Version 1

## **Form 25      Notice to admit facts (and authenticity of documents)**

(Order 18, rule 2)

To the respondent:

The applicant requires you to admit for the purpose of these proceedings only —

1. } (*state each fact*)
2. }

The applicant requires you to admit for the purpose of these proceedings only the authenticity of the following documents —

1. } (*describe each document*)
2. }

If you do not, within 14 days after service of this notice upon you, serve a notice upon the applicant disputing any fact (and the authenticity of any document) above specified, that fact (and the authenticity of that document) shall, for the purpose of these proceedings, be admitted by you in favour of the applicant.

**Version 1**

## **Form 26 Notice disputing facts (and authenticity of documents)**

(Order 18, rule 2)

The respondent disputes the following facts specified in the applicant's notice dated e.g. 7 May, 19 .

1. }  
2. } (*state each fact*)

The respondent disputes the authenticity of the following documents which were specified in the applicant's notice (*or* list of documents) dated e.g. 7 May, 19 .

1. }  
2. } (*describe each document*)

The respondent admits —

1. }  
2. } (*state each fact or describe each document*)

### **Version 1**

## **Form 27 Notice of motion**

(Order 19, rule 2)

The abovenamed applicant or respondent or as the case may be will at 10.15 a.m. on 7 May 19 , at (*address of Court*) move the Court for orders —

1. } (*State concisely the nature of each order which is sought but not*  
2. } *the grounds on which the order is sought*)

(*Where the time for service under Order 19, rule 3 has been abridged, add —*

The time before which this notice of motion is to be served has been abridged by the Court to (specify time)). (*Follow the prescribed form of conclusion of documents for use by a party Form 4.*)

To: (*name each party affected by the above order sought*).

### **Version 1**

## **Form 28      Notice of withdrawal of appearance**

(Order 22, rule 1)

The respondent CD withdraws his appearance.

### **Version 1**

## **Form 29      Notice of discontinuance**

(Order 22, rule 2)

The applicant \*discontinues the proceeding/\*discontinues the proceeding in respect of claim numbers [*numbers*] of the application.

*(Complete if consent has been obtained)*

\*The discontinuance is by consent.

*(Complete if consent on terms has been obtained)*

\*The discontinuance is by consent on the following terms [*specify in numbered paragraphs the terms of the consent*].

*(Complete if leave of the Court has been obtained)*

\*The discontinuance is in accordance with the leave of the Court granted on [*date*].

### **Notes in relation to costs**

*Note 1* Under subrule 3 (1) of Order 22, a party who discontinues a proceeding, or a part of a proceeding, without the leave of the Court and without the consent of the other party or parties, is liable to pay the costs of the other party, or parties, occasioned by the proceeding or the part of the proceeding that is discontinued.

*Note 2* Under subrule 3 (2) of Order 22, a party who discontinues a proceeding, or a part of a proceeding, without the leave of the Court but with the consent of the other party or parties, is, unless the terms of the consent otherwise provide, liable to pay the costs of the other party, or parties, occasioned by the proceeding or the part of the proceeding that is discontinued.

Date:

[*Signature of applicant or applicant's solicitor*]

\*Date:

\*[*Signature of consenting respondent or respondent's solicitor*]

*(If the discontinuance is by consent, each party, or the party's solicitor, must sign the notice of discontinuance.)*

\* *Omit if not applicable*

### **Version 2**

**Form 30 Notice of withdrawal of defence**

(Order 22, rule 4)

The respondent CD (by consent *if consent is required*, or by the leave of the Court \_\_\_\_\_ granted on e.g. 7 May, 19\_\_\_\_\_, *if leave is obtained*), withdraws his defence (in respect of paragraphs numbers 1-3 of his defence).

(conclude as in Form 29).

**Version 1**

**Form 31 Notice of deposit**

(Order 23, rule 14)

The (*party, eg applicant, respondent*) has paid (filed a security to pay) into Court \$ (*insert amount*).

That sum (security) has been paid (filed) under an order of the Court made on (*insert date, eg 7 May 19* ).

OR

That sum (security) is in respect of the following: (*specify*).

**Version 1**

**Form 31A Notice of deposit**

(Order 65, subrule 2 (4))

The applicant has paid into Court \$ \_\_\_\_\_ pursuant to subsection 202 (3) or subsection 215 (1) of the *Life Insurance Act 1995*.

dated:

.....  
(Signed, applicant or its Solicitor)

**Version 2**

## **Form 36      Security to pay into Court**

(Order 23, rule 15)

*(Name of authorised person under subrule 15 (2) or (3)), whose address for service is (insert address), promises to the Registrar of the Court to pay \$ (insert amount) into Court or in a manner directed by the Court as and when ordered by the Court to do so under Order 23 of the Rules.*

Signed

or

The Common Seal

*(and so on)*

### **Version 1**

## **Form 37      Order for examination**

(Order 24, paragraph 1 (1) (a))

THE COURT ORDERS THAT:

1.                    *(name)*                    of                    *(address)*  
be examined on oath before *(name and address, or describe examiner)*.

*(Complete as in general form of order under Order 36.)*

### **Version 2**

## Form 38 Order appointing examiner

(Order 24, paragraph 1 (1) (a))

THE COURT ORDERS THAT:

1. (Name and address or description) be appointed examiner for the purpose of taking the examination on oath of a witness (name) of (address out of Australia) in accordance with the Rules of this Court (but without the power to compel a witness to attend *if this is required by a convention, agreement, arrangement, or treaty to which the Crown in right of the Commonwealth or, where appropriate, in right of a State, and a country other than Australia are parties, about legal proceedings in civil matters*).

2. The party obtaining this order give to each other interested party 7 days' notice in writing of the date on which he proposes to send this order to the examiner.

3. Not less than 4 days after that notice has been given each party shall give to the other the name of his agent at (place) to whom notices may be sent.

(Complete as in general form of order under Order 37.)

### Version 2

## Form 39 Order

(Order 24, paragraph 1 (1) (b))

THE COURT ORDERS THAT:

1. A letter of request be sent to the judicial authorities of (country) to take or cause to be taken the evidence of (name)

(Complete as in general form of order under Order 37.)

### Version 2

## **Form 40      Deed**

(Order 26, rule 3)

### PARTICULARS

1. Date: e.g. 7 May 19      .
2. Receiver: (*name*)  
(*address for service*)
3. Guarantor: (*name*)  
(*address for service*)
4. Date of order for appointment of Receiver: e.g. 10 April, 19      .

THIS DEED made between the Guarantor and the Registrar of the Court witnesses that the Guarantor promises the Registrar that if the Receiver does not account to the Court for what he receives as Receiver or does not deal with what he receives as Receiver as the Court directs the Guarantor will pay to the Registrar whatever is required to make good the default to a limit of \$

Signed (&c.)

**Version 1**

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**Form 41 Subpoena**

(Order 27, subrule 3 (1))

**IN THE** [*name of court*]      **File number:**

**DISTRICT REGISTRY** [*insert if filing in Federal Court*]

**APPLICANT/PLAINTIFF:**

**RESPONDENT/DEFENDANT:**

---

**SUBPOENA**

To:    [*name*]  
       [*address*]

**YOU ARE ORDERED:**

- \*to attend to give evidence — see section A of this form; or**
- \*to produce this subpoena or a copy of it and the documents or things specified in the Schedule — see section B of this form; or**
- \*to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified in the Schedule — see section C of this form**

\* *Select one only of these three options*

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

The last date for service of this subpoena is: .....

(See Note 1)

**Please read Notes 1 to 13 at the end of this subpoena.**

Date: \_\_\_\_\_ [*Seal or Stamp of the Court*]

Issued at the request of [*name of party*], whose address for service is:

## **A.    Details of subpoena to attend to give evidence only**

---

Date, time and place at which you must attend to give evidence, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

---

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

## **B.    Details of subpoena to produce only**

---

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear days before the date specified for attendance and production. (*See Notes 5–9*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

---

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
[Name of Court .....etc as the case may be]

---

### **Schedule**

The documents and things you must produce are as follows:

[If insufficient space attach list]

#### **C. Details of subpoena both to attend to give evidence and to produce**

---

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows, unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

---

In so far as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or

- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear days before the date specified for attendance and production. (*See Notes 5–9*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time:

Place:

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
[*Name of Court .....etc as the case may be*]

---

## Schedule

The documents and things you must produce are as follows:

[*If insufficient space attach list*]

### **NOTES**

#### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is so specified — at any one of those addresses; so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

**Production of copy instead of original**

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.

**Applications in relation to subpoena**

10. You have the right to apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court — arrest**

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
13. Note 12 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

## **Form 44 Request to fix date for trial**

(Order 30, subrule 2 (1) and Order 53, subrule 18 (1))

*[heading to form as in Form 1]*

The applicant *[or as the case may be]* requests that a date be fixed for the trial of the proceeding.

To: *[name of party]*  
*[address for service of party]*

.....  
(Signature of requesting party or  
the party's solicitor)

### **Version 1**

## **Form 44A Notice of date for trial**

(Order 30, rule 4, Order 52, subrule 29 (5) and Order 53,  
subrule 18 (2))

*[heading to form as in Form 1]*

To: *[name of party]*  
*[address for service of party]*

Take notice that the date, time and place for trial of this proceeding is as specified below.

Date: *[date and time to be entered by Registry unless fixed by the Court]*

Time:

Place: *[address of Court]*

Dated [eg 7 May 20 ]

(Signature of notifying party or  
the party's solicitor)

### **Version 2**



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## Form 46B Order

(Order 33, rule 15)

### THE COURT ORDERS THAT:

1. The Superintendent (*or as the case may be*) shall have (*name*), a prisoner, before this Court to be present during the hearing of the proceeding concerning him and duly returned to confinement.
2. The first day on which it is required to have this prisoner before the Court is (*e.g. 7 May 19* at 10.15 a.m.) at (*address of Court*).

(*Complete as in general form of order under Order 36*)

### Version 1

## Form 46C Affidavit in respect of debt or liquidated damages

(Order 35A, subrule 3 (3))

I, [*name*], of [*address and occupation*], \*say on oath/\*affirm:

1. I am [*state deponent's relationship to the applicant(s)/cross-claimant(s), eg, 'the applicant/cross-claimant', '(name), one of the applicant(s)/cross-claimant(s)', 'a director of the applicant/cross-claimant', 'a director of (name), one of the applicant(s)/cross-claimant(s)'*] named in the \*application/\*cross-claim relating to the \*debt/\*debts/\*liquidated damages owed by [*name of respondent/cross-respondent*].
2. [*If the deponent is not the applicant/cross-claimant, state the facts entitling the deponent to make the affidavit, eg 'I am authorised by the applicant(s)/cross-claimant(s) to make this affidavit on its/their behalf*].
3. [*State the source of the deponent's knowledge of the matters stated in the affidavit in relation to the debt/each of the debts/liquidated damages, eg 'I am the person who, on behalf of the applicant(s)/cross-claimant(s), had the dealings with the respondent/cross-respondent that gave rise to the debt/debts/liquidated damages', 'I have inspected the business records of the applicant(s)/cross-claimant(s) in relation to the respondent's/cross-respondent's account with the applicant(s)/cross-claimant(s)'*].

4.    \*The debt/\*debts/\*liquidated damages of \$[*amount*] mentioned in the  
      \*application/\*cross-claim, \*remains/\*remain \*fully/\*to the extent of  
      \$[*amount*] due and payable by the respondent/cross-respondent.

\*Sworn/\*affirmed at: [*place of swearing or affirmation*] on [*date*]

[*Signature of deponent*]

Before me:

[*Signature and designation of  
person before whom deponent  
swears or affirms affidavit*]

\* Omit if not applicable

**Version 1**

**Form 47      Order**  
(Order 36, rule 4)

Judge(s):

Date of order:

Where made:

The Court orders (*or declares*) that:

- 1.
- 2.
- 3.

.....  
District Registrar

Date that entry is stamped:

Note\*

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Order 46, subrule 7B (1) provides that, subject to any direction by the Court or a Judge to the contrary, an application under subsection

35A (5) of the Act for review of the exercise of a power of the Court by a Registrar under subsection 35A (1) of the Act must be made by motion on notice within 21 days after the day on which the power was exercised. An applicant seeking a review can apply to a Judge to waive the requirement that the application for review be made by motion on notice (see Order 1, rule 8).

\* Omit this note if the orders have not been made by a Registrar.

**Version 2**

**Form 47A Certificate of judgment**

(Order 36, rule 9)

Causes of action to which the judgment relates	The rate of interest (if any) payable on any amount payable under the judgment	Amount payable under the judgment on date of issue of certificate	Amount of costs ordered to be paid under the judgment	Particulars (if any) required by a foreign tribunal in which it is proposed to register or enforce the judgment	Date of trial	Date of judgment
--	--	---	---	---	---------------	------------------

I certify that this certificate correctly and fully sets forth the particulars of a judgment given in this Court, on the date (e.g. 7 May, 19 ) in a suit wherein (*insert name of applicant*) was applicant and (*insert name of respondent*) was respondent.

Dated (e.g. 7 May, 19 ).

Registrar

**Version 1**

## **Form 48      Warrant for arrest**

(Order 40, rules 9 and 11; Order 49, subrule 4 (3) and (4))

To the Sheriff —

Arrest (*name*) and bring him before the Court to answer the charge set out below detaining him in custody in the meantime unless, by paying the sum of \$            into Court (*or as the case may be*) he gives security for his appearance in person before the Court to answer the charge and to submit to the (judgment or) order of the Court.

(*Name*) is charged with (*state charge, e.g. contempt of court*) in that (*give particulars*).

Date: e.g. 7 May, 19            .

Judge

### **Version 1**

## **Form 49      Warrant for committal**

(Order 37, rule 9)

To the Sheriff —

Take (*name*) to (*name of prison*) and deliver him to the Superintendent of that prison.

To the Superintendent of (*name of prison*):

Receive (*name*) into your custody and keep him there until the further order of this Court (*or as the case may be*).

His committal is for contempt of court in that he (*state the nature of the contempt, for example, wilfully insulted the Judge while the Judge was sitting in Court*).

Date: e.g. 7 May, 19            .

Judge

### **Version 1**

## **Form 50    Notice of claim**

(Order 44, rule 4)

*(Heading and title)*

The claimant claims the property described in the schedule, being (part of) the property taken (intended to be taken) in execution by the Sheriff at *(address)* under process against *(name)*.

**SCHEDULE**  
*(description)*

Date: e.g. 7 May, 19        .

*(signature)*  
Claimant's solicitor

Claimant: *(name)*

Place of abode:

Address for service:

To the execution creditor:

If you do not, within 4 days after service of this notice upon you, serve on the Sheriff a notice that you admit this claim, the Court may on application by the Sheriff grant relief by way of interpleader.

If you admit the claim, you will not be liable to the Sheriff for any fees or expenses incurred by him after you serve on him notice that you admit it.

*(signature)*  
Sheriff

Date:

**Version 1**

## **Form 50A    Application for inquiry relating to an election**

(Order 48, subrule 10A (1))

IN THE FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY    No.                    of 20    .

In the matter of an election for an office in (*name of organisation or branch*)

A.B.

Applicant

### **APPLICATION FOR INQUIRY RELATING TO AN ELECTION**

The applicant, being:

- a member of the (*name of organisation*);\* or
- a person who, within the period of 12 months before the date of this application, has been a member of the (*name of organisation*);\* or
- the Electoral Commissioner\*

applies under section 200 of Schedule 1B to the *Workplace Relations Act 1996* for an inquiry into the alleged irregularities set out below that the applicant claims to have occurred in relation to the election specified in this application. The applicant relies on the facts stated in the affidavit accompanying this application.

#### **Particulars of election**

1. Organisation or branch: (*name*)
2. Office or offices: (*title of each position for which the election was held*)
3. The result of the election was declared on (*date*)\*  
OR  
The result of the election has not been declared.\*

#### **Particulars of alleged irregularities**

1. (*Specify in numbered paragraphs the alleged irregularities.*)
- 2.
- 3.

*\*Omit if inapplicable*

Date:

*(Signed, applicant or applicant's solicitor)*

**Appointment for hearing**

This application has been set down for a directions hearing at the time and place stated below.

Time and date for hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

Date:

*(Signed, Registrar)*

The applicant's address for service is *(specify address for service)*.

**Version 1**

**Form 50B Application for inquiry relating to a ballot  
under Part 2 of Chapter 3 of Schedule 1B  
to the *Workplace Relations Act 1996***  
(Order 48, subrule 10A (2))

IN THE FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY No. \_\_\_\_\_ of 20 \_\_\_\_ .

In relation to a ballot of members of (*name of amalgamated organisation*)

A.B.

Applicant

**APPLICATION FOR INQUIRY RELATING TO A BALLOT  
UNDER PART 2 OF CHAPTER 3 OF SCHEDULE 1B TO THE  
*WORKPLACE RELATIONS ACT 1996***

The applicant, being:

- a member of the (*name of the organisation whose members were eligible to vote in the ballot*);\* or
- a person acting on behalf of a member of the (*name of the organisation whose members were eligible to vote in the ballot*);\* or
- the Electoral Commissioner\*

applies under section 69 of Schedule 1B to the *Workplace Relations Act 1996* for an inquiry into the alleged irregularities set out below that the applicant claims to have occurred in relation to the ballot specified in this application. The applicant relies on the facts stated in the affidavit accompanying this application.

**Particulars of ballot**

1. Ballot of members of (*name of organisation*) on the question whether:
  - they approve the proposed amalgamation of that organisation with (*name of other organisation or organisations concerned in the amalgamation*);\*
  - if the proposed amalgamation of that organisation with (*name of other organisation or organisations concerned in the amalgamation*) does not take place, they approve the amalgamation of (*name of*

---

*first-mentioned organisation*) with the other organisations concerned in the amalgamation whose members give a like approval.\*

2. The ballot was completed on *(date)*\*  
OR  
The ballot has not been completed.\*

**Particulars of alleged irregularities**

1. *(Specify in numbered paragraphs the alleged irregularities.)*  
2.  
3.

*\*Omit if inapplicable*

Date:

*(Signed, applicant or applicant's solicitor)*

**Appointment for hearing**

This application has been set down for a directions hearing at the time and place stated below.

Time and date for hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

Date:

*(Signed, Registrar)*

The applicant's address for service is *(specify address for service)*.

**Version 1**

**Form 50C Application for inquiry relating to a ballot  
under Part 3 of Chapter 3 of Schedule 1B  
to the *Workplace Relations Act 1996***

(Order 48, subrule 10A (3))

IN THE FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY No.                      of 20                      .

In relation to a ballot of members of (*name of amalgamated organisation*)

A.B.

Applicant

**APPLICATION FOR INQUIRY RELATING TO A BALLOT  
UNDER PART 3 OF CHAPTER 3 OF SCHEDULE 1B TO THE  
*WORKPLACE RELATIONS ACT 1996***

The applicant, being:

- a member of the (*name of organisation*);\* or
- a person who, within the period of 12 months before the date of this application, has been a member of the (*name of organisation*);\* or
- the Electoral Commissioner\*

applies under section 108 of Schedule 1B to the *Workplace Relations Act 1996* for an inquiry into the alleged irregularities set out below that the applicant claims to have occurred in relation to the ballot specified in this application. The applicant relies on the facts stated in the affidavit accompanying this application.

**Particulars of ballot**

1. Ballot of members of (*name of amalgamated organisation*) in respect of the proposed withdrawal from amalgamation of (*name of constituent part of amalgamated organisation*) from (*name of amalgamated organisation*).
2. The ballot was completed on (*date*)\*  
OR  
The ballot has not been completed.\*

---

**Particulars of alleged irregularities**

1. *(Specify in numbered paragraphs the alleged irregularities.)*
- 2.
- 3.

*\*Omit if inapplicable*

Date:

*(Signed, applicant or applicant's solicitor)*

**Appointment for hearing**

This application has been set down for a directions hearing at the time and place stated below.

Time and date for hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

Date:

*(Signed, Registrar)*

The applicant's address for service is *(specify address for service)*.

**Version 1**

## **Form 51      Summons**

(Order 49, rule 2)

To the defendant:

You are required to appear before the Federal Court of Australia at the time and place specified below to answer the charge the prosecutor makes against you, viz.

1. *(state offence)*

The particulars of the charge are —

2. *(State particulars in accordance with Order 49, paragraph 2 (1) (b).)*

3.

TAKE NOTICE that if you do not appear before the Court at the time and place specified below, a warrant may be issued for your arrest.

Time: *(Date and time to be entered by Registry unless fixed by the Court).*

Place: *(Address of Court).*

The prosecutor's address for service is *(specify address for service).*

Date *(e.g. 7 May 19      .)*

Registrar

**Version 1**

## **Form 52 Information for an offence**

(Order 49, rule 2)

At the time and place specified below (*name of prosecutor*) of (*address of prosecutor*) in the State of \_\_\_\_\_ appears before (*name of Registrar*) (*description of Registrar*) and informs the said (*name of Registrar*) that on (*Date and place of offence*) (*Name and address of defendant*) did (or failed to do) (*Set out details of offence and specific description of legislation creating the offence.*)

(*Signature of Prosecutor*)

Time: (*Date and time prosecutor appears before Registrar*).

Place: (*Address of Court*).

Signed by the abovenamed prosecutor before me —

Date: e.g. 7 May, 19 \_\_\_\_ .

Registrar

**Version 1**

**Form 53     Notice of a constitutional matter under  
section 78B of the *Judiciary Act 1903***

(Order 51)

IN THE FEDERAL COURT OF AUSTRALIA }  
  } No.    of 19 .  
  } DISTRICT REGISTRY }

A.B.

Applicant

C.D.

Respondent

**NOTICE OF A CONSTITUTIONAL MATTER**

1. (*The party whose case raises the matter, e.g. applicant, respondent, &c.*)  
gives notice that the above proceeding involves a matter arising under the  
Constitution or involving its interpretation within the meaning of section  
78B of the *Judiciary Act 1903*.

2. }  
3. } (*Specify the nature of the matter.*)

4. } (*Specify if the facts showing the matter is one to which section 78B*  
5. } *of the Judiciary Act 1903 applies.*)

(*Conclude in accordance with Form 4*)

**Version 1**

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## Form 53A Notice of proceeding

(Order 51A, rule 2)

IN THE FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY

No.            of 19

On remittal from the High Court of Australia

BETWEEN:

A.B.  
Applicant

AND:

C.D.  
Respondent.

### NOTICE OF PROCEEDING

To *(party) (address)*

This matter (or part of this matter) has been remitted to the Federal Court of Australia by the accompanying order of the High Court of Australia.

A directions hearing in this matter will be heard by the Court at the time and place specified below.

If there is no attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment be given or an order made in your absence.

Before any attendance at that time you must file an appearance in the Registry unless you are the applicant or have entered an appearance in the High Court.

Time:

Place: *(address of Court)*

Date of notice: (e.g. 5 May 1984)

.....  
(Signed, Registrar)

**Version 2**



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**Form 53C Notice of date for trial (petition)**

(Order 51B, rule 10)

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No. of 20 .

Referred from the High Court of Australia

BETWEEN:

A.B.  
Petitioner

AND:

C.D.  
Respondent

**NOTICE OF DATE FOR TRIAL (PETITION)**

To *(party)*

*(address for service of party)*

Take notice that the date, time and place for trial of this proceeding are as specified below.

Date:

Time:

Place: *(address of Court)*

Date of notice:

.....  
(signature of notifying party  
or party's solicitor)

**Version 1**

## **Form 54      Application for leave to appeal**

(Order 52, rule 4)

IN THE FEDERAL COURT OF AUSTRALIA

(*location of registry*) REGISTRY

No.            of 20 .

A.B.      Applicant

C.D.      Respondent

### APPLICATION FOR LEAVE TO APPEAL

1. The applicant applies for leave to appeal from the judgment of (*court or Judge*) given on (*date*) at (*place*).
2. Leave to appeal is required by (*legislation giving right to appeal with leave*).
3. The grounds of the application appear in the annexed affidavit.
4. (*Statement indicating whether the applicant wishes to have the application dealt with without an oral hearing.*)
5. (*If Order 52, subrule 5 (3) applies*) The applicant applies for an order that compliance with subrule 5 (2) is dispensed with.

To the respondent (*address*):

Take Notice: Before taking any step in the proceeding you must enter an appearance in the Registry.

The applicant's address for service is (*address for service*).

(*Conclude in accordance with Form 4*)

**Version 2**

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## Form 54A Application for leave to file and serve out of time

(Order 52, paragraph 15 (3) (a))

IN THE FEDERAL COURT OF AUSTRALIA

(*insert location of registry*) REGISTRY No. of 20 .

A.B. Applicant

C.D. Respondent

### APPLICATION FOR EXTENSION OF TIME TO FILE AND SERVE NOTICE OF APPEAL

1. The applicant applies for an extension of time in which to file and serve a notice of appeal from the judgment of the \*Federal Court\*(*or if from another Court, specify Court*) given on (*date*) at (*place*).
2. An extension of time is required because a notice of appeal was not filed and served within the time limited by Order 52 rule 15.
3. The grounds of the application appear in the attached affidavit.
4. (*Statement indicating whether the applicant wishes to have the application dealt with without an oral hearing.*)
- \*5.(*If the application indicates that the applicant does not wish to have the application dealt with without an oral hearing*) This application will be heard by the Court at  
on . (*Place and date to be inserted by the Registrar*).

DATE:

.....  
(*Signed, applicant or applicant's  
solicitor*)

\* Omit if inapplicable  
**Version 2**

## **Form 55      Notice of appeal**

(Order 52, rule 12)

IN THE FEDERAL COURT OF AUSTRALIA

(*insert location of registry*) REGISTRY                      No.                      of 20 .

On appeal from the \*Federal Court/\*(*or if from another Court, specify Court*)

BETWEEN:

A.B.                      Appellant  
and  
C.D.                      Respondent

NOTICE OF APPEAL

The appellant appeals from the whole (*or if from a part, specify part*) of the judgment of the \*Federal Court/\*(*or if from another Court, specify Court*) given on (*date*) at (*place*).

\*The appeal is brought in accordance with leave granted on (*date*).

GROUND OF APPEAL: (*Specify grounds of appeal*)

1.

2.

3.

...

ORDERS SOUGHT: (*State what judgment or order the appellant seeks instead of the judgment appealed from*)

1.

2.

3.

...

To the respondent (*address*)

TAKE NOTICE:

- (a) Before taking any step in the proceeding you must enter an appearance in the Registry, unless you have already entered an appearance under Order 52, rule 7.

\**(b)* *(Do NOT use this paragraph if the appeal is from a judgment of the Federal Magistrates Court)* The papers in the appeal will be settled before the Registrar at \_\_\_\_\_ on \_\_\_\_\_ *(place, date and time to be inserted by the Registrar)*.

\**(b)* *(Use this paragraph only if the appeal is from a judgment of the Federal Magistrates Court)* This appeal has been listed for a \*directions hearing at the time and place stated below. If you or your legal representative do not attend the Court at that time, orders may be made in your absence (including orders for costs).

Time and date for \*directions hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

The appellant's address for service is *(address)*.

\* Omit if inapplicable.

**Version 4**

## Form 55A Notice of Appeal

(Order 53, rule 2 and Order 59, rule 1)

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No.      of

On appeal from the (*insert name of Tribunal*)

BETWEEN

A.B.      Applicant

and

C.D.      Respondent

### NOTICE OF APPEAL

1. TAKE NOTICE that the applicant appeals from the decision or determination of (*specify Tribunal below*) given on (*specify date*) at (*specify place*) by which the Tribunal decided or determined (*specify decision or determination appealed from*).

2. THE QUESTIONS OF LAW raised on appeal are — (*specify each question of law*).

3. ORDERS SOUGHT: (*state the orders or relief sought by the applicant*).

4. GROUNDS: (*specify grounds relied upon in support of the orders sought*).

5. FINDINGS OF FACT (*if any*) that the Court is asked to make are: (*specify each finding*).

*Note* Item 5 only applies to appeals under section 44 of the *Administrative Appeals Tribunal Act 1975*.

Date: e.g. 7 May 20 .

(*Signed, applicant or applicant's solicitor*)

*Note* Order 53, subrule 6 (2) provides that within 7 days after filing this notice of appeal, the applicant must serve a copy of it on all other parties to the proceedings before the Tribunal and on the Registrar of the Tribunal.

To the respondent: (*address*)

TAKE NOTICE:

A directions hearing in this appeal will be heard by the Court at the time and place specified below. If you or your legal representative do not attend the Court at that time, orders may be made in your absence (including orders for costs).

Before taking any step in the proceeding or attending at the directions hearing you must file an appearance in the Registry.

Time: *(date and time to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

*(where the time for service has been shortened, add — )*

The time in which this notice of appeal, with its notice of the directions hearing, is to be served has been shortened by the Court to *(specify time)*.

Date: e.g. 7 May 20 .

.....

*(Signed: REGISTRAR)*

The applicant's address for service is *(specify address for service)*.

**Version 4**



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**Form 55C Notice of referral**

(Order 52A, rule 7)

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No.

BETWEEN: A.B. Applicant  
and  
Commissioner of Taxation  
Respondent

**NOTICE OF REFERRAL**

The applicant has requested the respondent pursuant to (Insert title and section of Act pursuant to which the request is made) to refer the respondent's decision on an objection with respect to taxation to the Court. That decision of the respondent is as follows:

(State precisely the decision)

A list of the documents necessary for the hearing of the proceeding was forwarded by the respondent to the Registry. A copy of this list accompanies this Notice.

Date: e.g. 7 May 19 .

.....  
(Respondent/solicitor)

The respondent's address for service is (specify address for service).

**NOTICE TO THE APPLICANT:**

A directions hearing in this matter will be heard by the Court at the time and place specified below. If there is no attendance before the Court by you or a legal practitioner representing you, the matter may be dealt with and judgment may be given or orders made or directions given in your absence. Before any attendance at that time you must file an address for service in the Registry and serve a copy of it upon the respondent.

TIME: (Date and time to be entered by Registry unless fixed by Court)

PLACE: (Address of Court)

DATE: e.g. 7 May 19 .

.....  
(Signed: REGISTRAR)

**Version 2**



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## Form 55CB Notice of hearing

(Order 52A, rule 20)

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No.

BETWEEN: A.B.  
Applicant  
and  
Commissioner of Taxation  
Respondent

### NOTICE OF HEARING

TAKE NOTICE that the application of the applicant under the Act mentioned below asking that a request to refer the decision of the respondent specified below to the Court be treated as having been duly lodged notwithstanding that the period for the lodgment by the applicant of such a request has ended, will be listed for hearing before the Federal Court of Australia at the time and place specified below. If there is no attendance before the Court by you or a legal practitioner representing you, the matter may be dealt with and judgment may be given or orders made or directions given in your absence. Before any attendance at that time you must file an address for service in the Registry and serve a copy of it upon the respondent.

ACT: (Insert title and section of Act under which the application is made)

DECISION: (Specify the respondent's decision)

TIME: (Date and time to be entered by Registry unless fixed by Court)

PLACE: (Address of Court)

(Where the time for service has been abridged, add —

The time by which this application is to be served has been abridged by the Court to (specify date))

Date: e.g. 7 May 19 .

.....  
(Respondent/solicitor)

The respondent's address for service is (specify address for service).

**Version 2**

## Form 55D Application

(Order 52B, subrule 4 (3))

*(Heading in Form 1)*

The applicant appeals to the Court against the appealable objection decision referred to below and applies for the decision to be set aside or to be varied in the manner set out below.

Objection decision appealed against

*AND*

Manner in which decision is to be varied *(if variation is applied for)*

e.g. By allowing the objection lodged to the extent of excising from my taxable income the amount of \$

Date: e.g. 7 May 19 .

.....  
(Signature of applicant or applicant's solicitor)

To:    The respondent

\*Address

A directions hearing in this application will be heard by the Court at the time and place specified below. If there is no attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment may be given or an order made in your absence. Before attending at this time you must file a notice of appearance in the Registry.

Time:    *(Date and time to be entered by Registry unless fixed by Court)*

Place:    *(Address of Court)*

Date: e.g. 7 May 19 .

.....  
(Signed, Registrar)

The applicant's address for service is *(specify address for service)*

\*NOTE:    The address of the respondent to be inserted must be the address of the office of the Australian Taxation Office shown on the written notice of the Commissioner's appealable objection decision served upon the applicant.

**Version 2**

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## Form 55DA Application

(Order 52C, subrule 3 (4))

*(Heading as in Form 1)*

The applicant appeals to the Court against the departure prohibition order referred to below and applies for the order to be set aside or to be varied in the manner set out below.

Departure Prohibition Order appealed against: *(specify)*

Orders Sought: *(specify the orders or relief sought)*

Grounds: *(specify grounds relied on in support of the orders or relief sought)*

Date: *eg 7 May 19* .

.....  
(signature of applicant or applicant's solicitor)

To: The respondent

*\*(address)*

A directions hearing in this application will be heard by the Court at the time and place specified below. If there is no attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment may be given or an order made in your absence. Before attending at this time you must file a notice of appearance in the Registry.

Time: *(date and time to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

Date: *eg 7 May 19* .

.....  
(signed) Registrar

The applicant's address service is *(specify address for service)*

\*NOTE: The address of the respondent to be inserted is the address of the office of the Australian Government Solicitor in the district of the Registry in which the departure prohibition order was made.

**Version 2**

## **Form 55E    Notice of setting down for hearing**

(Order 52B, subrule 6 (2))

*(Heading in Form 1)*

To:    The respondent:

\*Address

Take notice that this matter has been set down for hearing at the time and place specified below or as soon after that as the matter may be heard.

Time: *(Date and time to be entered by Registry unless fixed by Court)*

Place: *(Address of Court)*

Date:    e.g. 7 May 19      .

.....  
(Signature of applicant or applicant's solicitor)

\*NOTE: The address of the respondent to be inserted must be the address of the office of the Australian Taxation Office shown on the written notice of the Commissioner's appealable objection decision served upon the applicant.

**Version 1**



*(particulars of fraud or bad faith, if alleged (Order 54, rule 2))*

The applicant claims —

1. An order (*or* declaration) that (*specify relief sought*).
  - 2.
- etc

Date: eg 7 May 20 .

*(Signed, applicant or applicant's solicitor)*

**NOTICE TO THE RESPONDENT**

TO the respondent of (*insert address*):

This application has been set down for the time and place stated below. If you or a legal practitioner representing you do not attend the Court at that time, the application may be dealt with and judgment may be given, or an order made, in your absence. As soon after the time mentioned as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

Before any attendance at Court, you must file an appearance in the Registry.

Time and date for hearing: (*to be entered by Registry unless fixed by Court*)

Place: (*address of Court*)

Date:

*(Signed, Registrar)*

The applicant's address for service is (*specify address for service*).

**Version 3**

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**Form 56A Application under the *Migration Act 1958***

(Order 54B, subrule 2 (1))

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No. of 20 .

BETWEEN

A.B.

Applicant

AND

C.D.

Respondent

**APPLICATION UNDER *MIGRATION ACT 1958***

This application is made under section 476A of the *Migration Act 1958*.

The applicant was notified of the decision that is the subject of this application on: (*date*)

The applicant claims:

1. (*specify in numbered paragraphs all relief sought*)
  - 2.
- etc

The grounds of the application are:

- 1.
  - 2.
- etc

(*particulars of fraud or bad faith if alleged (Order 54B, subrule 2 (2))*)

**DISCLOSURE UNDER SECTION 486D *MIGRATION ACT 1958* —  
PROCEEDINGS IN RELATION TO A TRIBUNAL DECISION**

\*For the purposes of the disclosure required by section 486D of the *Migration Act 1958* in relation to a proceeding in relation to a tribunal decision (within the meaning of that section), the applicant states that the applicant has not brought any other judicial review proceedings (within the meaning of that section) in relation to the decision.

\*For the purposes of the disclosure required by section 486D of the *Migration Act 1958* in relation to a proceeding in relation to a tribunal decision (within the meaning of that section), the applicant states that the applicant has brought the following judicial review proceedings (within the meaning of that section) in relation to the decision:

*(particulars of the title, file number and date of each proceeding and the court in which it was brought)*

*\*Delete if inapplicable*

#### **CERTIFICATE UNDER SECTION 486I *MIGRATION ACT 1958***

\*For the purposes of section 486I of the *Migration Act 1958*, I (*name of lawyer*) certify that there are reasonable grounds for believing that this migration litigation (within the meaning of section 486K of that Act) has a reasonable prospect of success.

Date:

*(Signed, applicant's lawyer)*

*\*Delete if the applicant is not represented by a lawyer*

#### **NOTICE TO THE RESPONDENT**

TO the respondent of (*address*):

This application has been set down for the time and place stated below. If you or a legal practitioner representing you do not attend the Court at that time, the application may be dealt with and judgment may be given, or an order made, in your absence. As soon after the time mentioned as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard;
- (b) directions may be given for the further conduct of the proceeding;
- (c) any application for interlocutory relief may be heard.

Before any attendance at Court, you must file an appearance in the Registry.

---

Time and date for hearing: *(to be entered by Registry unless fixed by Court)*

Place: *(address of Court)*

Date:

*(signed, Registrar)*

The applicant's address for service is *(specify address for service)*.

*Note* Section 479 of the *Migration Act 1958* provides that the parties to a review of a migration decision resulting from an application referred to in section 477A of that Act are the Minister, or where appropriate the Secretary, and:

- (a) if the privative clause decision concerned was reviewable under Part 5 or 7 or section 500 of that Act and a decision on such a review has been made — the applicant in the review by the relevant Tribunal; or
- (b) in any other case — the person who is the subject of the decision; or
- (c) in any case — a person prescribed by the regulations.

### Version 3

## **Form 56B Certificate under section 486I of the *Migration Act 1958***

(Order 4, rule 1A, Order 52, rule 12A, Order 53, rule 2A and  
Order 54B, subrule 2 (1A))

### **CERTIFICATE UNDER SECTION 486I *MIGRATION ACT 1958***

For the purposes of section 486I of the *Migration Act 1958*, I *(name of lawyer)* certify that there are reasonable grounds for believing that this migration litigation (within the meaning of section 486K of that Act) has a reasonable prospect of success.

Date:

*(signed, applicant's lawyer)*

### Version 1

## **Form 57      Notice of objection to competency**

(Order 54, rule 4 and Order 54B, rule 3)

To the applicant:

The Respondent objects to competency of this application for an order under:

- the *Administrative Decisions (Judicial Review) Act 1977*;\* or
- the *Judiciary Act 1903* (in relation to a decision under the *Migration Act 1958*)\*

on the grounds that:

1.                      (*set out concisely the whole grounds of the objection*)

2.

etc

(*conclude in accordance with Form 4*)

\* *Omit if inapplicable*

**Version 3**

---

## Form 58A Notice of appeal

(Order 58, rule 4)

IN THE FEDERAL COURT OF )  
                                  AUSTRALIA)     No.             of  
                                  DISTRICT REGISTRY)

On appeal from the (title or office of the person who made the decision)

BETWEEN:                             A.B.  
  Applicant  
  and  
  C.D.  
  Respondent

### NOTICE OF APPEAL

1. TAKE NOTICE that the applicant appeals from the decision of (specify title or office of the person who made the decision) given on (specify date) at (specify place) whereby it was decided (specify decision appealed from).
2. ORDERS SOUGHT: (state the orders or relief sought by the applicant).
3. GROUNDS: (specify grounds relied upon in support of the orders sought).

Date: e.g. 7 May 19

.....  
(Signed, applicant or solicitor).

To The Respondent: (address)

### TAKE NOTICE:

A directions hearing in this appeal will be heard by the Court at the time and place specified below. If there is no attendance before the Court by you or a legal practitioner representing you, directions may be given and orders made in your absence.

Before taking any step in the proceeding or attending at the directions hearing you must file an appearance in the Registry.

Time: (Date and time to be entered by Registry unless fixed by Court)

Place: (Address of Court)

(Where the time for service has been abridged, add —

The time by which this notice of appeal, with its notice of the directions hearing, is to be served has been abridged by the Court to (specify time)).

Date: e.g. 7 May 19

.....  
(Signed: REGISTRAR)

The applicant's address for service is (specify address for service).

**Version 2**



**Form 61 Application for determination of  
compensation under *Lands Acquisition  
Act 1989***

(Order 67, rule 2)

IN THE FEDERAL COURT OF AUSTRALIA } No. of 19  
DISTRICT REGISTRY }

BETWEEN: A.B.  
Applicant

AND: C.D.  
Respondent

**APPLICATION FOR DETERMINATION OF COMPENSATION**

The application seeks determination pursuant to (insert s. 82 or s. 108) of the *Lands Acquisition Act 1989* of the amount of compensation payable to the applicant in respect of (insert ‘the acquisition of an interest in the land’ or ‘the exercise of the powers under Part III of the Act’) described in the Schedule hereto.

**SCHEDULE**

(Insert either:

- (a) full particulars of land and interest therein, or
- (b) details of the powers exercised under Part III of the Act and the land in relation to which those powers were exercised.)

DATED: (e.g. 7 May 19 )

.....  
(Signed, applicant or applicant’s solicitor)

To the respondent: (Name and address)

A directions hearing in this application will be heard by the Court at the time and place specified below.

If there is no attendance before the Court by you or a legal practitioner representing you at the time and place specified below, the application may be dealt with and you will be liable to suffer judgment or an order against you in your absence.

Before any attendance at that time you must file an appearance in the Registry.

---

**APPOINTMENT FOR DIRECTIONS HEARING**

Time: (Date and time to be entered by Registry unless fixed by Court).

Place: (Address of Court)

(Where the time for service has been abridged, add—

The time by which this application is to be served has been abridged by the Court to (specify time).)

Date: (e.g. 7 May 19 )

.....  
(Signed, Registrar)

The applicant's address for service is:  
(specify address for service).

**Version 2**



The time by which this application is to be served has been abridged by the Court to (specify time).

Date: (e.g. 7 May 19 )

.....  
(Signed, Registrar)

The applicant's address for service is:  
(specify address for service).

**Version 2**



---

**Form 64 Application for determination of  
equitable remuneration under *Circuit  
Layouts Act 1989 (subsection 20 (2))***  
(Order 58, rule 24)

IN THE FEDERAL COURT OF AUSTRALIA } No. of 19  
DISTRICT REGISTRY }

BETWEEN: A.B.  
Applicant

AND: C.D.  
Respondent

**APPLICATION FOR DETERMINATION OF EQUITABLE  
REMUNERATION**

The applicant seeks determination of the equitable remuneration payable to the applicant as owner/exclusive licensee of the E.L. rights in the eligible layout described in the Schedule hereto.

**SCHEDULE**

(Insert sufficient particulars to identify the eligible layout in respect of which E.L. rights are claimed.)

DATED: (e.g. 7 May 19 )

.....  
(Signed, applicant or applicant's solicitor)

To the respondent: (Name and address)

A directions hearing in this application will be heard by the Court at the time and place specified below.

If there is no attendance before the Court by you or a legal practitioner representing you at the time and place specified below, the application may be dealt with and you will be liable to suffer judgment or an order against you in your absence.

Before any attendance at that time you must file an appearance in the Registry.

**APPOINTMENT FOR DIRECTIONS HEARING**

Time: (Date and time to be entered by Registry unless fixed by Court)

Place: (Address of Court)

(Where the time for service has been abridged, add

The time by which this application is to be served has been abridged by the  
Court to (specify time).)

Date: (e.g. 7 May 19    )

.....  
(Signed, Registrar)

The applicant's address for service is:  
(specify address for service).

**Version 2**



**APPOINTMENT FOR DIRECTIONS HEARING**

Time: (Date and time to be entered by Registry unless fixed by Court)

Place: (Address of Court)

(Where the time for service has been abridged, add

The time by which this application is to be served has been abridged by the  
Court to (specify time).)

Date: (e.g. 7 May 19    )

.....  
(Signed, Registrar)

The applicant's address for service is:  
(specify address for service).

**Version 2**

## **Form 69A Subpoena (incorporating Notice to Witness)**

(Order 69A, subrule 5 (5))

### **NOTICE TO WITNESS**

*Evidence and Procedure (New Zealand) Act 1994*

THIS NOTICE IS VERY IMPORTANT

PLEASE READ IT AND THE ATTACHED DOCUMENT OR DOCUMENTS  
VERY CAREFULLY.

IF YOU HAVE ANY TROUBLE UNDERSTANDING THESE  
DOCUMENTS YOU SHOULD GET LEGAL ADVICE AS SOON AS  
POSSIBLE.

Attached to this notice is a subpoena.

The subpoena has been issued by the Federal Court of Australia.

The subpoena may be served in New Zealand under New Zealand law (see section 14 of the Evidence Amendment Act 1994 (New Zealand)).

This notice:

- sets out your rights relating to the subpoena; and
- sets out your obligations relating to the subpoena; and
- includes information about the way in which you may make an application to have the subpoena set aside.

### **YOUR RIGHTS**

1. You are entitled to receive payment of an amount equal to the reasonable expenses you incur in complying with the subpoena.
2. An amount of money, or money and vouchers, that is sufficient to meet your reasonable expenses of complying with the subpoena must be given to you within a reasonable time before the date for compliance with the subpoena (see below: 'YOUR OBLIGATIONS').
3. If, in complying with the subpoena, you incur expenses that are more than the amount that was given to you before you complied, you may

obtain an order from the Federal Court of Australia that you be paid the additional amount you incurred.

4. You may apply to the Federal Court of Australia to have the subpoena wholly or partly set aside. If you wish to apply to have the subpoena set aside you should get legal advice as soon as possible.
5. An application can be made and determined by that court without you having to go to Australia, or to retain Australian solicitors. All the necessary arrangements can be made in New Zealand.

NOTE: Details of some of the grounds on which a subpoena can be set aside and the procedures for setting aside a subpoena are set out at the end of this notice.

#### YOUR OBLIGATIONS

1. Unless the subpoena is set aside, you must comply with the attached subpoena if:
  - (a) when the subpoena was served on you, or at some reasonable time before the date specified in the subpoena for compliance with it, you were offered or given either:
    - (i) enough money to meet your reasonable expenses in complying with it, including any travel and accommodation expenses; or
    - (ii) a combination of money and vouchers (for example, travel tickets) to meet those expenses; and
  - (b) you were given with the subpoena a copy of an order by a judge giving leave to serve the subpoena in New Zealand; and
  - (c) the subpoena was served on you before or on the date specified in the order as the last day on which the subpoena may be served; and
  - (d) service of the subpoena complied with any other conditions specified in the order; and
  - (e) you are over the age of 18 years.

- 
2. If the subpoena only requires you to produce documents or things, it must specify the date on which the documents or things are required for production in the court or tribunal that issued the subpoena. You may comply with the subpoena by producing the documents or things at a registry of the High Court of New Zealand at least 10 days before the date specified in the subpoena. When you produce the documents or things at the registry you will be required to produce the subpoena and to pay the cost of sending the documents or things to the court or tribunal that issued the subpoena. You will be able to pay that cost out of the money given to you to meet your reasonable expenses of complying with the subpoena.

#### FAILURE TO COMPLY WITH THE SUBPOENA

If you do not comply with this subpoena you may be arrested and taken before the High Court of New Zealand. Unless the High Court is satisfied that failure to comply should be excused, a fine not exceeding NZ\$10 000 may be imposed.

#### GROUNDINGS FOR SETTING ASIDE A SUBPOENA

1. The court must set aside the subpoena if the subpoena requires you to attend at a place in Australia and:
  - (a) you do not have necessary travel documents and cannot reasonably get them within the time allowed for compliance with the subpoena; or
  - (b) if you complied with the subpoena — you would be liable to be detained for the purpose of serving a sentence; or
  - (c) you are being prosecuted or you are liable to prosecution for an offence in Australia; or
  - (d) you are liable to imposition of a penalty in civil proceedings in Australia (other than proceedings under the *Trade Practices Act 1974* (Australia)); or
  - (e) you are subject to a restriction on your movements imposed by law or an order of a court that is inconsistent with you complying with the subpoena (for example, bail conditions, release conditions or terms of a community based sentence).
2. The grounds on which the court may set aside the subpoena include:
  - (a) the evidence you would give in the proceedings can be obtained satisfactorily by other means without significantly greater expense;
  - (b) compliance with the subpoena would cause you hardship or serious inconvenience;

- (c) if the subpoena requires you to produce a document or thing and:
  - (i) that document or thing should not be taken out of New Zealand; and
  - (ii) satisfactory evidence of the contents of the document or satisfactory evidence of the thing can be given by other means.

NOTE: The above list does not include all the matters the court will consider in an application to set aside a subpoena, but if any of the matters in the list apply to you they should be included in your application.

#### PROCEDURE FOR APPLYING TO SET ASIDE A SUBPOENA

1. Application must be made to the Federal Court of Australia.
2. You may fax your application to that court on fax number [*fax number of the court*].
3. Your application must contain an address for service in New Zealand or Australia. Any documents to be served on you will be delivered, faxed or posted to you at that address.
4. The Registrar of the Federal Court of Australia will arrange for service of your application and of any affidavit you lodge with the court with your application.
5. The court may determine your application without a hearing unless you, or the person who requested that the subpoena be issued, asks for a hearing.
6. If there is a hearing the court can direct that it be held by video link (that is, a conference television link) or telephone. In that case you or your lawyer can take part in the hearing by video link or by telephone from a place in New Zealand.
7. If, in your application or within a reasonable time after lodging your application, you request that the hearing be held by video link or telephone, the court must hold a hearing by video link or telephone. However, in such a case, the court will determine which of video link or telephone will be used.

---

**IN THE** [*name of court*]

**File number:**

**DISTRICT REGISTRY** [*insert if filing in Federal Court*]

---

**APPLICANT/PLAINTIFF:**

**RESPONDENT/DEFENDANT:**

---

## SUBPOENA

To: [name]  
[address]

### YOU ARE ORDERED:

- \*to attend to give evidence — see section A of this form; or**
- \*to produce this subpoena or a copy of it and the documents or things specified in the Schedule — see section B of this form; or**
- \*to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified in the Schedule — see section C of this form**

*\* Select one only of these three options. The sections that have not been selected may be omitted or struck out.*

**Failure to comply with this subpoena without lawful excuse may result in your arrest and the imposition of a fine under section 16 of the Evidence Amendment Act 1994 (New Zealand)**

The last date for service of this subpoena is: .....  
(See Note 2)

**Please read Notes 1 to 16 at the end of this subpoena.**

[Seal or Stamp of the Court]

Date:

Issued at the request of [name of party], whose address for service is:

## **A. Details of subpoena to attend to give evidence only**

---

Date, time and place at which you must attend to give evidence:

Date:

Time:

Place:

---

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

## **B. Details of subpoena to produce only**

---

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to:
  - (i) the Registrar of the Federal Court at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production; or
  - (ii) the Registrar of the High Court of New Zealand at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 10 clear days before the date specified in the subpoena for attendance and production. (*See Notes 6–12*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things:

Date:

Time:

---

Place:

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
*[Name of Court .....etc as the case may be]*

---

### **Schedule**

The documents and things you must produce are as follows:

*[If insufficient space attach list]*

#### **C. Details of subpoena both to attend to give evidence and to produce**

---

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows:

Date:

Time:

Place:

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

---

In so far as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to:
  - (i) the Registrar of the Federal Court at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production; or
  - (ii) the Registrar of the High Court of New Zealand at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 10 clear days before the date specified in the subpoena for attendance and production. (*See Notes 6–12*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and the documents or things:

Date:

Time:

Place:

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
[*Name of Court .....etc as the case may be*]

---

---

## Schedule

The documents and things you must produce are as follows:

*[If insufficient space attach list]*

### **NOTES**

#### **Leave to serve subpoena**

1. You need not comply with the subpoena unless it is accompanied by:
  - (a) a copy of the order giving leave to serve the subpoena in New Zealand; and
  - (b) a notice in the prescribed form that:
    - (i) sets out your rights and obligations in relation to the subpoena; and
    - (ii) includes information about the way in which an application to have the subpoena set aside may be made.

#### **Last day for service**

2. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

#### **Informal service**

3. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

#### **Addressee a corporation**

4. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

#### **Production of subpoena or copy of it and documents or things by delivery or post**

5. In so far as this subpoena requires production of the subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing:
  - (a) the Registrar of the Federal Court at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production; or

- (b) the Registrar of the High Court of New Zealand at the address specified in the subpoena for the purpose, or if more than one address is so specified, at any one of those addresses, so that they are received not less than 10 clear days before the date specified in the subpoena for attendance and production.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar of the Federal Court in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar of the Federal Court may permit the parties to the proceeding to inspect the document or thing.

**Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar of the Federal Court, produce a list of the documents or things produced.

**Production of copy instead of original**

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.

**Return or destruction of documents or copies**

10. You may, at the time of production, inform the Court that any document or copy of a document produced need not be returned and may be destroyed.
11. If you have so informed the Court, the Registrar of the Federal Court may destroy the document or copy instead of returning it to you.

**Applications in relation to subpoena**

12. You have the right to apply to the Court for an order with respect to any claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

13. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Banker's book**

14. In so far as this subpoena requires production of the subpoena or a copy of it and a banker's book, if section 47B of the Evidence Act 1908 (New Zealand) would have applied if this subpoena has been issued in a New Zealand proceeding, instead of producing the banker's book, you may produce proof of the relevant entries in accordance with section 47B of the Evidence Act 1908 (New Zealand).

**Contempt of court — arrest**

15. Failure to comply with this subpoena without lawful excuse may result in your arrest and the imposition of a fine under section 16 of the Evidence Amendment Act 1994 (New Zealand).
16. Note 15 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.

**Version 2**

## **Form 69AB Certificate of non-compliance with subpoena**

(Order 69A, subrule 11 (1))

To:   The High Court of New Zealand  
      [Address]

THE FEDERAL COURT OF AUSTRALIA, respectfully requests that you exercise your powers under section 16 of the Evidence Amendment Act 1994 (New Zealand) in relation to non-compliance by [person named in subpoena] with a subpoena issued by the Federal Court of Australia and for which leave to serve in New Zealand was given by the Federal Court of Australia under the *Evidence and Procedure (New Zealand) Act 1994* on [insert date of leave].

A copy of the subpoena and a copy of the order giving leave to serve in New Zealand are annexed to this certificate.

**[Either]**

No application to set aside the subpoena either wholly or in part has been made.

**[Or]**

An application to set aside the subpoena was dismissed by order made on [insert date]. A copy of this order is annexed to this certificate.

Date: [eg 7 May 20     ]

By the Court  
[signature of Registrar]  
[SEAL OF COURT TO BE AFFIXED]

**Version 1**

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## **Form 69AC Request for enforcement of an order made by a New Zealand court under section 32 of the Act**

(Order 69A, subrule 12 (3))

[*Name of court or party making request*] respectfully requests the Federal Court of Australia to punish, under subsection 33 (3) of the *Evidence and Procedure (New Zealand) Act 1994*, [*name of person contravening the order*] for contravention of an order made by [*New Zealand court which made the order*].

An affidavit setting out details of the contravention is attached.

Name of court or party making request: [*insert name*]

Address of court or party making request: [*insert address*]

Telephone number: [*insert number*]

Fax number: [*insert number*]

Date: [*eg 7 May 20* ]

[*signed, applicant or applicant's solicitor*]

**Version 1**

## **Form 69AD Request for hearing by video link or telephone**

(Order 69A, rule 13)

The applicant requests that the hearing of the application listed for hearing on [*insert date(s) of hearing*] be heard by video link or telephone.

Date: [*eg 7 May 20* ]

[*signed, applicant or applicant's solicitor*]

**Version 1**

## **Form 73      Election petition**

(Order 70, rule 2)

IN THE MATTER OF A DISPUTED  
ELECTION UNDER THE ABORIGINAL  
AND TORRES STRAIT ISLANDER  
ACT 2005

No. *(file number)*                      of *(year)*

A.B.

Petitioner

C.D.

Respondent

### **ELECTION PETITION**

This petition concerns the election for \*a single member/\*2 or more members for *(the Torres Strait Regional Authority ward concerned)* held on *(date or dates on which the election was held)*.

*\*Delete if inapplicable*

The petitioner asks the Court to make the orders claimed below and relies upon the facts set out below.

### **FACTS RELIED UPON TO INVALIDATE ELECTION**

*(Specify, in numbered paragraphs, the facts relied on)*

### **ORDERS**

The petitioner asks the Court to make the following orders:

*(Specify, in numbered paragraphs, the orders sought)*

### **SIGNED BY**

(A candidate at the election in dispute or a person claiming to be qualified to vote at that election or an authorised officer of the Electoral Commissioner)

in the presence of:

*(Full name, address and occupation of witness)*

*(Signature of witness)*

TO: THE RESPONDENT  
(*Address*)

A directions hearing in this Petition will be heard by the Court at the time and place specified below.

If there is no attendance at the Court by you the application may be dealt with and orders made in your absence.

Time: (*Date and Time to be entered by Registry unless fixed by Court*).

Place: (*Address of Court*).

Date:

(*signed, Registrar*)

The Petitioner's address for service is (*Specify address for service*).

**Version 2**

**Form 74 Reference of question as to qualification or vacancy**

(Order 70, rule 3)

IN THE MATTER OF A REFERENCE  
UNDER THE ABORIGINAL AND  
TORRES STRAIT ISLANDER ACT 2005

No. (*file number*) of (*year*)

[A.B.] (*Name of Minister*)

Applicant

**REFERENCE OF QUESTION AS TO QUALIFICATION OR VACANCY**

The Applicant refers to the Court under Schedule 4 to the *Aboriginal and Torres Strait Islander Act 2005* a question relating to

\*the qualification of a member of the Torres Strait Regional Authority

\*a vacancy in the Torres Strait Regional Authority.

\**Delete if inapplicable*

**STATEMENT OF QUESTION**

The question upon which the determination of the Court is desired is (*statement of the relevant facts and the question for determination*).

(*signed, Minister*)

A directions hearing on this reference will be heard by the Court at the time and place specified below.

Time: (*Date and Time to be entered by Registry*)

Place: (*Address of the Court*)

Date:

(*signed, Registrar*)

The Applicant's address for service is (*specify address for service*).

**Version 2**

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**Form 129 Application under Part IVA of the *Federal Court of Australia Act 1976***

(Order 73, rule 3)

*(Heading in Form 1)*

1. This application is brought by the applicant as a representative party.
2. The group members to whom this proceeding relates are (identify the group members in accordance with paragraph 33H (1) (a) of the *Federal Court of Australia Act 1976*)
3. The applicant claims (specify the nature of the claims made on behalf of the group in accordance with paragraph 33H (1) (b) of the *Federal Court of Australia Act 1976*)  
and claims relief as follows: (specify the relief claimed)
4. The questions of law or fact common to the claims of the group members are (see paragraph 33H (1) (c) of the *Federal Court of Australia Act 1976*)
5. And the applicant claims by way of interlocutory relief: (specify the interlocutory relief sought)

Date: e.g. 7 May 19

.....  
Signature of applicant or applicant' solicitor

To the respondent  
[address]

A directions hearing in this application \*[and/or for the applicant's claim for an interlocutory order] will be heard by the Court at the time and place specified below.

If there is not attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment may be given or an order made in your absence. Before any attendance at that time, you must file an appearance in the Registry.

Time: [date and time to be entered by Registry unless fixed by Court]

Place: [address of Court]

[Where the time for service has been abridged, add]

\*The time by which this application is to be served has been abridged by the Court to [*specify time*]

Date:    e.g. 7 May 19

.....  
Registrar

The applicant's address for service is  
[*specify address for service*]

The applicant's address is  
[*if a natural person, specify residence  
or place of business; if a body corporate,  
specify principal place of business*]

[\* Omit if inapplicable]

**Version 2**

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## **Form 130 Notice of consent to be a group member**

(Order 73, rule 4)

*(Heading in Form 1)*

TO: The Applicant and the Respondent:

TAKE NOTICE THAT (insert name of person) , a person referred to in subsection 33E (2) of the *Federal Court of Australia Act 1976*, consents to be a group member in these proceedings.

Date: e.g. 7 May 19

.....  
Signature of person or his or her solicitor

Name and position of person signing consent notice:

Address of person signing the consent notice:

**Version 1**

## **Form 131 Notice of opting out by group member**

(Order 73, rule 6)

*(Heading in Form 1)*

TO: The Registrar  
Federal Court of Australia

I, (name of group member) , a group member in the above representative proceedings, give notice under subsection 33J of the *Federal Court of Australia Act 1976*, that I am opting out of the representative proceedings.

Date: e.g. 7 May 19

.....  
Signature of group member or his or her solicitor

Address of group member:

**Version 1**

**Form 132 Application for registration of judgment under the *Foreign Judgments Act 1991***

(Order 74, subrule 3 (1))

*(Heading as in Form 1)*

I, *(insert name of applicant)* apply under Part 2 of the *Foreign Judgments Act 1991* to have the following judgment registered in the Court.

DETAILS OF JUDGMENT

COURT:

JUDGE:

DATE OF JUDGMENT:

WHERE MADE:

*(if the judgment is a money judgment)*

AMOUNT OF JUDGMENT, INCLUDING INTEREST:

(NOTE: (1) The applicant must state in the application that the judgment is to be registered in the currency in which it is expressed and state the amount of judgment expressed in that currency.)

(NOTE: (2) If the applicant does not request the judgment to be registered in the currency in which it is expressed, the judgment must be registered for an equivalent amount in Australian currency, based upon the rate of exchange prevailing on the day of application for registration. (See subsection 6 (11) of the *Foreign Judgments Act 1991*).

and/or

*(if the judgment is an order or injunction)*

TERMS OF JUDGMENT:

Date: eg. ( 7 May, 19 . )

.....  
(Signed, applicant or applicant's solicitor).

The applicant's address for service is:

**Version 1**

---

## Form 133 Order for registration of money judgment

(Order 74, subrule 5 (1))

JUDGE:

DATE OF ORDER:

WHERE MADE:

ORDER

THE COURT ORDERS THAT:

1. The judgment dated (e.g. 7 May, 19 ) of the (*insert name of court*) by which it was ordered that (*insert name of respondent*) ('the judgment debtor') pay the sum of (*insert amount in foreign currency or in equivalent Australian currency*) and interest (if any) to (*insert name of applicant*) ('the judgment creditor') be registered under Part 2 of the *Foreign Judgments Act 1991*.

2. The amount which the judgment debtor must pay to the judgment creditor is (*insert amount*) .

The amount includes an amount of interest of (*insert amounts in foreign currency or in equivalent Australian currency*).

3. (*Insert any other orders made under the judgment*)

4. The reasonable costs of, and incidental to, the application for this order and registration of the judgment (fixed at \$ , or to be taxed) are to be paid by the judgment debtor to the judgment creditor.

5. The judgment debtor may, within days after service of the notice of registration, apply to have the registration set aside.

Date: e.g. (7 May, 19 ).

Registrar

**Version 1**

## **Form 134 Order for registration of non-money judgment**

(Order 74, subrule 5 (2))

JUDGE:

DATE OF ORDER:

WHERE MADE:

ORDER

THE COURT ORDERS THAT:

1. The judgment dated (e.g. 7 May, 19 ) of the (*insert name of court*) by which it was ordered that (*insert name of respondent*) ('the judgment debtor') (*insert terms of order or injunction*) be registered under Part 2 of the *Foreign Judgments Act 1991*.
2. The reasonable costs of, and incidental to, the application for this order and registration of the judgment (fixed at \$ or to be taxed) are to be paid by the judgment debtor to (*insert name of applicant*) (the 'judgment creditor').
3. The judgment debtor may, within days after service the notice of registration, apply to have the registration set aside.

Date: e.g. (7 May, 19 ).

Registrar

**Version 1**

---

## Form 135 Notice of registration of money judgment

(Order 74, subrule 6 (1))

To: *(Name of respondent)*

1. The judgment dated (e.g. 7 May, 19 ) of the *(insert name of court)* that you pay the sum of *(insert amount in foreign currency or in equivalent Australian currency)* and interest (if any) to *(insert name of judgment creditor)* ('judgment creditor') and *(insert any other terms of judgment)* has been registered in this Court under Part 2 of the *Foreign Judgments Act 1991*.

2. The amount which you must pay to the judgment creditor is .  
(The amount includes an amount of interest of )  
*(Insert the amounts in foreign currency or in equivalent Australian currency)*.

3. You may, within days after service of this notice on you, apply to have the registration set aside.

The address for service of the *(insert name of judgment creditor)* is *(state address)*.

Dated: e.g. (7 May, 19 ).

Registrar

Version 1

## Form 136 Notice of registration of non-money judgment

(Order 74, subrule 6 (1))

To: *(Name of respondent)*

1. The judgment dated (e.g. 7 May, 19 ) of the *(insert name of court)* that *(insert terms of order or injunction)* has been registered in this Court under Part 2 of the *Foreign Judgments Act 1991*.

2. You may, within days after service of this notice on you, apply to have the registration set aside.

The address for service of the *(insert name of judgment creditor)* is *(state address)*.

Dated: e.g. (7 May, 19 ).

Registrar

Version 1



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**Form 141 Notice of appeal from National Native Title Tribunal**

**(and application for extension of period in which to appeal, if relevant)**

(Order 78, subrules 24 (1) and 25 (2))

IN THE FEDERAL COURT OF AUSTRALIA }  
DISTRICT REGISTRY } No. of .

On appeal from the National Native Title Tribunal

Re: A.B.

Applicant

C.D.

Respondent

*(vary to suit purpose — see section of the 169 Native Title Act 1993 and Order 78, rule 24 of the Federal Court Rules)*

**NOTICE OF APPEAL**

The applicant appeals from the decision/determination of the National Native Title Tribunal given on *(specify date)* at *(specify place)* by which the Tribunal decided or determined *(insert details of the decision/determination appealed from)*.

THE QUESTION OR QUESTIONS OF LAW on which the applicant appeals to the Court are: *(specify each question of law)*

- 1.
- 2.
- 3.

ORDERS SOUGHT: *(state the orders or relief sought by the applicant from the Court — see subsections 169 (6) and (7) of the Native Title Act 1993)*

- 1.
- 2.
- 3.

THE GROUNDS OF THE APPEAL: *(specify the grounds relied upon in support of the orders sought)*

- 1.
- 2.
- 3.

**Application for extension of period in which to appeal**

The applicant applies under Order 78, rule 25 of the Federal Court Rules for an extension of the time in which to institute the above appeal. As required by Order 78, paragraph 25 (2) (b) of the Federal Court Rules, there must be an accompanying affidavit:

- (a) explaining why the applicant did not institute the appeal within the 28 day period or will not be able to institute the appeal within that period; and
- (b) setting out the grounds for seeking the extension of time.

Note: This section need be completed only if the appeal is not, or will not be able to be, instituted within 28 days starting on the day when the decision or determination of the Tribunal is given to the applicant — see subsection 169 (4) of the *Native Title Act 1993* and Order 78, subrule 24 (2) of the Federal Court Rules. The application for the extension of time must be accompanied by an affidavit in accordance with Order 78, paragraph 25 (2) (b) of the Federal Court Rules.

Date: *(eg 7 May 2008)*

*(Signed, applicant or applicant's solicitor)*

The applicant's address for service is: *(specify address for service)*

Fax number: *(insert)*

Telephone number: *(insert)*

Note: The applicant must serve a copy of the notice of appeal on other parties (if any) to the proceeding before the National Native Title Tribunal.

The Federal Court will send a copy to the Registrar of the Tribunal.

FILED IN THE FEDERAL COURT OF AUSTRALIA ON THE DATE  
SHOWN ON THE FILING STAMP.

A directions hearing in this appeal will be heard by the Court at the time and place specified below.

**Appointment for Directions Hearing (to be entered by Registry)**

Time: *(time)*

Place: *(address of Court)*

Date: *(eg 7 May 2008)*

*(Signed, Registrar)*

**Version 2**

## **Form 144 Notice of intention to adduce evidence of previous representation**

(order 33, rule 16)

To: *(insert full name of party to whom notice is to be given)*

1. I, *(insert full name of party giving notice)*, give notice, under section 67 of the *Evidence Act 1995*, that I intend to adduce evidence of a previous representation and to argue that the hearsay rule does not apply to the evidence in reliance on:

\**(a)* subsection 63 (2);

\**(b)* subsection 64 (2);

of that Act.

2. *(As required by subregulation 5 (2) of the Evidence Regulations, state:*

*(a) the substance of:*

*(i) the evidence of the previous representation that is intended to be adduced; and*

*(ii) any other relevant representation made by the person who made the previous representation, so far as it is known to the party giving the notice; and*

*(b) so far as it is known:*

*(i) the date, time, place and circumstances at or in which each representation mentioned in subparagraph (a) (i) or (ii) was made; and*

*(ii) the name of each person by whom, and each person to whom, the representation was made; and*

*(iii) in a civil proceeding — the address of each person mentioned in subparagraph (ii).*

*Note* On the application of a party in a criminal proceeding, the court may make an order, on the terms it considers appropriate, directing the notifying party to disclose the address of a person named in a notice of previous representation.

*This requirement may be satisfied, in whole or in part, by referring to the relevant paragraph, or part of a paragraph, of an affidavit, in which case a copy of the affidavit must be attached.)*

---

3. *(Complete if you are relying on paragraph 63 (2) (a) or (b) of the Evidence Act 1995.)*

\*Particulars of the facts on the basis of which I allege that the person who made the representation is not available to testify concerning the fact to be proved by the evidence of the representation are as follows:

*(State particulars of the facts.)*

4. *(Complete if you are relying on paragraph 64 (2) (a) or (b) of the Evidence Act 1995.)*

\*It would:

\*(a) cause:

\*(i) undue expense;

\*(ii) undue delay;

\*(b) not be reasonably practicable to call the person who made the representation to give evidence;

and particulars of the facts on which I will rely to establish \*that ground/\*those grounds are as follows:

*(State particulars of the facts.)*

Dated: *eg 7 May 19*

.....  
*(Signed, party giving notice or party's solicitor)*

\* *Omit if not applicable.*

**Version 1**

**Form 145    Notice of objection to tender of hearsay  
evidence if maker of representation  
available**

(Order 33, rule 17)

To:      *(insert full name of party to whom notice is to be given)*

1. I, *(insert full name of party giving notice)*, give notice, under section 68 of the *Evidence Act 1995*, that I object to the tender of evidence referred to in the Notice of Intention to Adduce Evidence of Previous Representation served by *(insert full name of party giving notice under Order 33, rule 16)* and dated *(insert date of notice)*.

2. *(Specify:*

*(a) the ground on which the objection is made; and*

*(b) the part, or parts, of the evidence to which the ground of objection relates.)*

Dated: *eg 7 May 19*

.....  
*(Signed, party giving notice or party's solicitor)*

**Version 1**

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## Form 146 Notice of intention to adduce tendency evidence

(Order 33, rule 18)

To: *(Insert full name of party to whom notice is to be given)*

1. I, *(insert full name of party giving notice)*, give notice, under subsection 97 (1) of the *Evidence Act 1995*, that I intend to adduce evidence of character, reputation, conduct or tendency to prove that *(insert full name of person who it is alleged has, or had, the tendency)* has, or had, a tendency to act in a particular way, or to have a particular state of mind.
2. *(As required by regulation 6 of the Evidence Regulations, state:*
  - (a) the substance of the evidence of the kind referred to in subsection 97 (1) of the Evidence Act 1995 that the party giving the notice intends to adduce; and*
  - (b) if that evidence consists of, or includes, evidence of the conduct of a person — so far as it is known:*
    - (i) the date, time, place and circumstances at or in which the conduct occurred; and*
    - (ii) the name of each person who saw, heard or otherwise perceived the conduct; and*
    - (iii) in a civil proceeding — the address of each person mentioned in subparagraph (ii).)*
3. *(Specify the character, reputation, conduct or tendency of which evidence is to be adduced.)*
4. *(Specify the tendency sought to be proved by the evidence.)*

Dated: *eg 7 May 19*

.....  
*(Signed, party giving notice or party's solicitor)*

**Version 1**

## **Form 147 Notice of intention to adduce coincidence evidence**

(Order 33, rule 19)

To: *(Insert full name of party to whom notice is to be given)*

1. I, *(insert full name of party giving notice)*, give notice, under subsection 98 (1) of the *Evidence Act 1995*, that I intend to adduce evidence of the occurrence of 2 or more related events to prove that, because of the improbability of the events occurring coincidentally, *(insert the full name of the person who it is alleged did a particular act, or had a particular state of mind)*, did a particular act or had a particular state of mind.
  2. *(As required by regulation 6 of the Evidence Regulations, state:*
    - (a) the substance of the evidence of the occurrence of 2 or more related events that the party giving the notice intends to adduce; and*
    - (b) so far as it is known:*
      - (i) the date, time, place and circumstances at or in which each event occurred; and*
      - (ii) the name of each person who saw, heard or otherwise perceived each event; and*
      - (iii) in a civil proceeding — the address of each person mentioned in subparagraph (ii).)*
- Note* On the application of a party in a criminal proceeding, the court may make an order, on the terms it considers appropriate, directing the notifying party to disclose the address of a person named in a notice referred to in subsection 98 (1) of the *Evidence Act 1995*.
3. *(Specify the substance of any evidence in addition to the evidence given in paragraph 2 to be relied on to establish the improbability of 2 or more related events having occurred coincidentally.)*
  4. *(Specify the particular act, or state of mind, sought to be proved by the evidence.)*

Dated: *eg 7 May 19*

.....  
*(Signed, party giving notice or party's solicitor)*

**Version 1**

## **Form 161 Referral certificate**

(Order 80, subrule 4 (3))

I, *(insert name)*, Associate to the Honourable Justice *(insert name)*, certify that on *(insert date)* his/her Honour has determined, pursuant to Order 80 subrule 4 (1), that it is in the interests of the administration of justice that the following litigant be referred for legal assistance under Order 80.

**Name of litigant referred:**

**Proceeding number:**

**Proceeding title:**

**Nature of legal assistance for which referral made** (eg to obtain advice, to appear at the hearing of the matter listed on a particular date; see O 80 r 5):

**Date:**

*(Signature of associate)*

**Version 1**

**Form 162    Notice by party other than applicant that  
the party wishes to cease to be a party**

(Order 78, paragraph 9 (a))

[Heading in Form 1]

I/We .....  
*(type or print name of party wishing to cease to be a party)*

notify the Court that I/we wish to cease to be a party to this proceeding.

.....  
*(Signature of party wishing to cease to be a party)*

Date: .....

*Note* Section 84 (6) of the *Native Title Act 1993* and Order 78, paragraph 9 (a) allow a party (other than an applicant) to withdraw at any time before the first substantive hearing. After that date the leave of the Court is required.

**Version 1**

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**Form 163 Notice of change in address for service  
or contact details**

(Order 78, rule 41)

[Heading in Form 1]

I/We .....  
(type or print name of party informing the Court of the change)

inform the Court of the following change in address for service or contact  
details.

If address for service has changed, state new address for service:

.....  
.....  
.....  
.....Postcode: .....

If telephone contact number has changed, state the new telephone number:

Telephone: (.....) .....

If facsimile contact number has changed, state the new facsimile number:

Facsimile: (.....).....

.....  
(Signature of party informing the Court of the change)

Date: .....

**Version 1**

**Form 164    Notice of appointment of society,  
organisation, association or other body  
to act as agent for party**

(Order 78, subrule 42 (1))

[Heading in Form 1]

I/We .....  
(*type or print name of party informing the Court of appointment*)

inform the Court that I/we have appointed the following society, organisation,  
association or other body to act as agent on my/our behalf in relation to this  
proceeding.

Name of society, organisation, association or other body appointed:

.....  
(*type or print name of society, organisation, association or other body appointed*)

Address for service of society, organisation, association or other body:

.....

.....

.....Postcode: .....

Telephone:    (.....) .....

Facsimile:    (.....) .....

.....  
(*Signature of party informing the Court of the appointment*)

Date: .....

---

**To be completed by society, organisation, association or other body  
accepting appointment as agent:**

.....accepts appointment as agent for  
*(type or print name of society, organisation,  
association or other body accepting appointment)*

.....in relation to this proceeding.  
*(type or print name of party)*

.....  
*Signed (also indicate capacity in which signatory  
signs, such as president, director, etc of the society,  
organisation, association or other body)*

Date: .....

**Version 1**

**Form 165 Notice of change in name, contact details or address for service of society, organisation, association or other body appointed as agent for party or of appointment of new agent**

(Order 78, subrule 42 (2))

[Heading in Form 1]

I/We .....  
(type or print name of party informing the Court of the change)

inform the Court that a change has occurred in:

- the name of the society, organisation, association or other body that is my/our agent in relation to this proceeding;\*
- the contact details of the society, organisation, association or other body that is my/our agent;\*
- the address for service of the society, organisation, association or other body that is my/our agent.\*

\* (delete if not applicable)

I/We now inform the Court:  
(insert details of change in space below)

---

**To be completed if new agent appointed:**

New agent's name: .....  
(*type or print name*)

Address for service: .....  
.....  
..... Postcode .....

Telephone: (.....) .....

Facsimile: (.....) .....

.....  
(*Signature of party informing the Court of the change*)

Date: .....

**To be completed by society, organisation, association or other body  
accepting appointment as new agent:**

..... accepts appointment as agent for  
(*type or print name of society, organisation,  
association or other body accepting appointment*)

..... in relation to this proceeding.  
(*type or print name of party*)

.....  
*Signed (also indicate capacity in which signatory signs, such as president, director, etc  
of the society, organisation, association or other body)*

Date: .....

**Version 1**

**Form 166 Application for leave to be represented  
by a person who is not a barrister or  
solicitor**

(Order 78, rule 42A)

[Heading in Form 1]

I/We .....  
(*type or print name of party seeking leave*)

seek the leave of the Court to be represented by the person named below in this  
proceeding and I/we agree, if the Court gives leave, to be represented by that  
person.

Name of proposed representative:

.....  
(*type or print name of proposed representative*)

Address of proposed representative:

.....  
.....  
..... Postcode: .....

Telephone: (.....) .....

Facsimile: (.....) .....

.....  
(*Signature of party seeking leave*)

Date: .....

---

**To be completed by proposed representative:**

If the Court gives leave, I agree to represent:

..... in relation to this proceeding.  
*(type or print name of party)*

.....  
*(Signature of proposed representative)*

Date: .....

**Version 1**

---

## Form 166A Referral of question about whether a party should cease to be a party

(Order 78, rule 20A)

### Referral of question about whether a party should cease to be a party

*Native Title Act 1993*, section 136DA

---

#### Details of referral

1 Name of NNTT Presiding Member	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Prof Family name: Given name/s:
2 Contact address	Postcode:
3 Business Hours Telephone No.	( )
Fax No.	( )

---

#### Details of respondent

4 Name of party to whom referral relates	Name of party: Address: Postcode: Phone: ( ) Fax: ( )
--	---

---

#### Details of respondent

5 Name of agent, representative or legal practitioner of the party	Name: Relationship to party: Address: Postcode: Phone: ( ) Fax: ( )
--	--

---

---

<b>Relevant information</b>	
6 State the interest in the proceeding which formed the basis for joining the party to the proceeding	
7 State the basis for the view that the party does not have a relevant interest in the proceeding	
<b>Orders sought</b>	
8 State the orders sought from the Court	
<b>Supporting documents</b>	
9 State the details of each document that accompanies the referral	

Prepared by:

Name: *(please print)*

Signature:

Date:

**Version 1**

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**Form 167 Claim under the *Human Rights and Equal Opportunity Commission Act 1986* alleging unlawful discrimination**

(Order 81, rule 5)

**Claim alleging unlawful discrimination**

*Human Rights and Equal Opportunity Commission Act 1986, section 46PO*

---

**Details of applicant(s)**

1	Full name(s)	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms Family name: Given names: <i>Attach extra page for any additional applicants</i>
2	Home or contact address	Postcode:
3	Telephone No.	Business hours: ( ) After hours: ( )
	Fax No.	( )
4	Are you more than 18 years old?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	If you are an individual, what is your first language?	<i>This includes languages such as Sign and Auslan.</i>
	Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please state language or type:
6	Do you have any special requirements?	<i>Please give details of any special requirements (eg wheelchair access, hearing loop, presence of personal assistant or carer) to enable this matter to proceed in Court</i>

---

**Details of respondent(s)**

---

7 Against whom are you bringing this claim?

Name of person:

Address:

Postcode:

Phone: ( )

Fax: ( )

Name of organisation:

Address:

Postcode:

Phone: ( )

Fax: ( )

*Attach extra page for any additional respondents*

8 What is your relationship to the person or organisation in question 7?

- Employee of person/organisation
- Former employee of person/organisation
- Co-employee
- Customer of person/organisation
- Other (*please specify*)

---

**Representation**

---

9 Are you represented by a lawyer, or will you seek to be represented by someone else (eg a union official) who is not a lawyer?

- No *Go to question 10*
- Yes

Representative's name:

Name of firm or organisation:

Address:

Postcode:

DX:

Phone: ( )

Fax: ( )

*Go to question 11*

10 Have you applied for legal aid?

- No
- Yes

---

**Relevant legislation**

---

- 11 Describe the discrimination you are complaining of  
*(The unlawful discrimination must:*  
*(a) be the same or substantially the same as the discrimination that was the subject of the complaint terminated by the Human Rights and Equal Opportunity Commission;*  
*or*  
*(b) arise out of the same or substantially the same acts, omissions or practices that were the subject of complaint.)*
- 12 Under what Act is the discrimination you are complaining of unlawful?
- 13 State all sections of the Act that are relevant to this claim

*Attach an extra page if necessary*

- the *Age Discrimination Act 2004*
- the *Disability Discrimination Act 1992*
- the *Racial Discrimination Act 1975*
- the *Sex Discrimination Act 1984*

---

**Remedy sought**

- |  |  |
|--|--|
| 14 What remedy are you asking the Court for? | <input type="checkbox"/> Apology from respondent<br><input type="checkbox"/> Compensation<br><p style="text-align: center;"><i>Please give details on an attached sheet of how much compensation you are claiming and how the amount has been calculated (eg loss of income).</i></p> <input type="checkbox"/> Other<br><p style="text-align: center;"><i>Please give details on an attached sheet</i></p> |
|--|--|

---

**Extension of time**

- |                                      |   |
|--------------------------------------|---|
| 15 Do you need an extension of time? | <p><i>You must complete this section if your application and claim is made more than 28 days after the date of issue of written notice of the termination of the complaint by the President of the Human Rights and Equal Opportunity Commission.</i></p> <p>I am seeking an extension of time to lodge my application and claim because <i>(give reasons)</i>.</p> <p><i>Attach an extra page if necessary</i></p> |
|--------------------------------------|---|

---

**Required documents**

- |   |   |
|---|---|
| 16 <i>These documents must accompany your application and claim</i> | <input type="checkbox"/> A copy of your original complaint to the Human Rights and Equal Opportunity Commission (if available)<br><input type="checkbox"/> The notice of termination of complaint given by the President of the Human Rights and Equal Opportunity Commission |
|---|---|

Prepared and filed by:

Name: *(please print)*

Signature:

Date:

**Version 4**

---

**Form 168 Defence to application under the *Human Rights and Equal Opportunity Commission Act 1986* alleging unlawful discrimination**

(Order 81, rule 7)

**Defence to application alleging unlawful discrimination**

*Human Rights and Equal Opportunity Commission Act 1986,*  
section 46PO

---

**Details of applicant(s)**

1	Full name of person(s) bringing application against you	Family name: Given names: <i>Attach extra page for any additional applicants</i>
---	---	--

---

**Details of respondent(s)**

2	Full name of person(s) or organisation	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms Family name: Given names: Name of organisation: <i>Attach extra page for any additional respondents</i>
3	Home or contact address  Telephone No.  Fax No.	Postcode:  Business hours: ( ) After hours: ( ) ( )
4	Who is the contact person in your organisation (if applicable)?	Family name: Given names: Phone: ( ) Fax: ( )
5	If you are an individual, what is your first language?	<i>This includes languages such as Sign and Auslan.</i>

Do you need an interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6 Do you have any special requirements?	If yes, please state language or type: <i>Please give details of any special requirements (eg wheelchair access, hearing loop, presence of personal assistant or carer) to enable this matter to proceed in Court</i>

**Representation**

7 Are you represented by a lawyer, or will you seek to be represented by someone else (eg a union official) who is not a lawyer?	<input type="checkbox"/> No <i>Go to question 8</i> <input type="checkbox"/> Yes Representative's name: Name of firm or organisation: Address: Postcode: DX: Phone: ( ) Fax: ( ) <i>Go to question 9</i>
8 Have you applied for legal aid?	<input type="checkbox"/> No <input type="checkbox"/> Yes

**Address for service**

9 At what address do you want documents in proceedings left for you and posted for you? ( <i>The address must be within the District for the Registry in which the application is filed.</i> )	<input type="checkbox"/> To the address in question 2 <input type="checkbox"/> To the address of the representative in question 7 <input type="checkbox"/> Other ( <i>give details</i> )
--	--

Prepared and filed by:  
Name: (please print)  
Signature:  
Date:

**Version 2**

**Form 169    Notice of proceeding**

(Order 82, subrule 2(2))

IN THE FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY      No.    of 20

On transfer from the Federal Magistrates Court

BETWEEN:

A.B.

Applicant

AND:

C.D.

Respondent

**NOTICE OF PROCEEDING**

To: *(party) (address)*

This matter has been transferred to the Federal Court of Australia by the accompanying order of the Federal Magistrates Court.

A directions hearing in this matter will be heard by the Court at the time and place specified below.

If there is no attendance before the Court by you or a legal practitioner representing you, the application may be dealt with and judgment may be given or an order made in your absence.

Before any attendance at that time, you must file an appearance in the Registry unless you are the applicant or you have entered an appearance in the Federal Magistrates Court.

Time and date for hearing:

Place: *(address of Court)*

Date of notice:

(signed, Registrar)

**Version 2**

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**Form 170 Application for registration of a New  
Zealand judgment under the *Federal  
Court of Australia Act 1976***

(Order 69, subrule 11 (1))

I, [*insert name of applicant*] apply under Part IIIA of the *Federal Court of Australia Act 1976* to have the following judgment of the High Court of New Zealand registered in the Court.

**DETAILS OF JUDGMENT**

JUDGE:

DATE OF JUDGMENT:

WHERE MADE:

[*if the judgment is a money judgment*]

AMOUNT: \$NZ

BALANCE REMAINING PAYABLE:

INTEREST TO DATE:

and/or

[*if the judgment is an order or injunction*]

TERMS OF JUDGMENT:

Date: [*eg 7 May 20*     ]

.....  
[*Signed, applicant or applicant's solicitor*]

The applicant's address for service is:

**Version 1**

## Form 171 Order for registration of New Zealand money judgment

(Order 69, subrule 11 (7))

JUDGE:

DATE OF ORDER:

WHERE MADE:

### ORDER

THE COURT ORDERS THAT:

1. The judgment dated [*insert date*] of the High Court of New Zealand by which it was ordered that [*insert name of respondent*] ('the judgment debtor') pay the sum of [*insert amount in \$NZ*] \*and interest to [*insert name of applicant*] ('the judgment creditor') be registered under Part IIIA of the *Federal Court of Australia Act 1976*.

*\* omit if inapplicable*

2. The amount which the judgment debtor must pay to the judgment creditor is [*insert amount in \$A*]. The amount includes an amount of interest of [*insert amount in \$A*].

3. [*Insert any other orders made under the judgment*]

4. The reasonable costs of, and incidental to, the application for this order and registration of the judgment, \*fixed at \$A[*amount*]\* to be taxed, are to be paid by the judgment debtor to the judgment creditor.

*\*omit if inapplicable*

5. The judgment debtor may apply to have the registration set aside.

Date: [*eg 7 May 20*      ]

Registrar

Version 1

---

**Form 172 Order for registration of New Zealand  
non-money judgment**

(Order 69, subrule 11 (7))

JUDGE:

DATE OF ORDER:

WHERE MADE:

**ORDER**

THE COURT ORDERS THAT:

1. The judgment dated [*insert date*] of the of the High Court of New Zealand by which it was ordered that [*insert name of respondent*] ('the judgment debtor') [*insert terms of order or injunction*] be registered under Part IIIA of the *Federal Court of Australia Act 1976*.

2. The reasonable costs of, and incidental to, the application for this order and registration of the judgment, \*fixed at \$A[*amount*]\* to be taxed, are to be paid by the judgment debtor to the judgment creditor.

*\*omit if inapplicable*

3. The judgment debtor may apply to have the registration set aside.

Date: [*eg 7 May 20* ]

Registrar

**Version 1**

**Form 173    Notice of filing and hearing**

(Order 1, subrule 5AC (5))

**IN THE FEDERAL COURT OF AUSTRALIA**

**Form 173**

**DISTRICT REGISTRY**

**NOTICE OF FILING AND HEARING**

This application was filed electronically in the Federal Court of Australia on [*date*].

**DETAILS OF FILING**

**Document Lodged:**

**File Number:**

**File Title:**

**District Registry:**

**Reason for Listing:**

**Time and Date for Hearing:**

**Place:**

*[Facsimile of Court Seal]*

**Dated:**

**Registrar**

**Note**

1. This Notice forms part of the application and contains information that might otherwise appear elsewhere in the application. The Notice must be included in the application served on each party to the proceeding.
2. The “Reason for Listing” is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

**Form 174    Notice of filing**  
(Order 1, subrule 5AC (5))

**IN THE FEDERAL COURT OF AUSTRALIA                      Form 174**  
**DISTRICT REGISTRY**

**NOTICE OF FILING**

This document was filed electronically in the Federal Court of Australia  
on [*date*].

**DETAILS OF FILING**

**Document Lodged:**

**File Number:**

**File Title:**

**District Registry:**

*[Facsimile of Court Seal]*

**Dated:**

**Registrar**

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the document. The Notice must be included in the document served on each party to the proceeding.

## Schedule 2      Scale of costs for work done and services performed

(Order 62, rule 12)

Item	Matter for which charge may be made	Charge (\$)
<i>Instructions</i>		
1	To sue or defend, to appeal or oppose an appeal or for any other originating proceeding	246
2	To make or oppose an interlocutory application or motion to the Court or a Judge or an officer of the Court	110
3	For a case for opinion of counsel or for counsel to advise (including attendance on counsel with brief)	107
4	For an interrogatory, answer to an interrogatory or an affidavit (except a formal affidavit), an admission or a list of documents (and affidavit verifying)	148
5	For brief for counsel on application in chambers or brief notes for solicitor (if necessary)	135
	<i>or</i>	
	in respect of items 1 to 5 of this scale, having regard to all the circumstances of the case	any other amounts that the taxing officer considers appropriate
6	For brief for counsel or brief notes for solicitor (if necessary), having regard to all the circumstances of the case	a sum that the taxing officer thinks fit
7	For a necessary document not otherwise provided for, having regard to all the circumstances of the case	a sum that the taxing officer thinks fit
<i>Documents</i>		
8	Any notice of appearance, including copies, filing and service by respondent	136

Item	Matter for which charge may be made	Charge (\$)
9	Any application or notice of motion, including fixing return day, copies to file and serve, and attendance to file	110
	if more than 3 folios — add for each folio	8
10	Any simple notice or memorandum such as a notice for discovery, including copies, filing (if necessary) and service	88
11	Notice to produce, notice to admit or any similar notice, including copies, filing (if necessary) and service	110
	if more than 3 folios — add for each folio	8
12	A brief to counsel (including a brief to hear judgment) and attending counsel with the brief	94
	if more than 3 folios — add for each folio	9
	For copy documents to accompany brief	the other charges in this scale that are appropriate
13	Any necessary subpoena, including issuing 1 copy to serve and arranging for service	75
	<i>Drawing</i>	
14	Any necessary document — for each folio	11
	<i>Engrossing or Typing</i>	
15	Any necessary document — for each folio	5
	<i>Copies</i>	
16	Of any document, including carbon, photographic or machine-made copy — for each page	2
	except if allowance for 10 or more pages is claimed in respect of any document or documents	at the discretion of the taxing officer
	<i>Perusal</i>	
17	Of any document (if necessary) including special letter, telegram or telex, up to 3 folios	20

Item	Matter for which charge may be made	Charge (\$)
	<i>or per folio</i>	5
	except if allowance for 30 or more folios is claimed in respect of any document or documents	at the discretion of the taxing officer
18	If it is not necessary to peruse but it is necessary to scan a document — for each page	8
	except if allowance for 10 or more pages is claimed in respect of any document or documents	at the discretion of the taxing officer
<i>Examination</i>		
19	If it is necessary to neither peruse nor scan a document, eg an examination of an appeal book: for examination — for each half hour	
	• solicitor	88
	• clerk	20
<i>Letters</i>		
20	Short letter — simple form of letter, eg formal acknowledgment	14
21	Ordinary letter, including letter between principal and agent	29
22	Circular letter (after the first) — for each letter	9
23	Special letter or letter including opinion	60
	<i>or</i>	
		an amount that is reasonable having regard to the length of the letter, the questions involved and appropriate items and charges in this scale

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Item	Matter for which charge may be made	Charge (\$)
24	Telegram, facsimile copy, or telex including attendance to dispatch	75 <i>or</i> an amount that is reasonable in the circumstances
25	Receiving and filing any incoming letter  <i>Note</i> Postage and transmission expenses may be claimed as a disbursement properly incurred.  <i>Service</i>	9
26	Personal service (except if service is able to be claimed under another item of this scale) of any document of which personal service is required	74 <i>or</i> an amount that is reasonable, having regard to time occupied, distance travelled and other relevant circumstances
27	Service of any document at the office of the address for service, either by delivery or by post  <i>Preparation of Appeal Books</i>	20
28	Preparation of appeal books, including collating all necessary material, attendances on the printer, general oversight of their preparation in cases where the taxing officer is satisfied it has been done efficiently — for each hour:	
	• solicitor	160
	• clerk	40

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Item	Matter for which charge may be made	Charge (\$)
29	If appeal books are prepared in a solicitor's office, a sum that the taxing officer considers is just and reasonable, having regard to work and labour properly performed and charges for material used. In exercising his or her discretion, the taxing officer must have regard to commercial rates for copying and binding and is not obliged to apply the photographic or machine-made copy costs otherwise allowable in this scale	
	<i>Attendances</i>	
30	An attendance that is capable of being made by a clerk, such as at the court registry	40
31	An attendance that requires the attendance of a solicitor or managing clerk and involves the exercise of skill or legal knowledge (including an attendance to inspect or negotiate) — for each quarter hour:	
	• solicitor	72
	• managing clerk	15
32	An attendance for which no other provision is made in this scale	66
33	An attendance by telephone that does not involve the exercise of skill or legal knowledge	13
34	An attendance on counsel:	
	• with brief or papers (if not otherwise provided for)	41
	• to appoint a conference or consultation	41
	• if appointment made by telephone	13
35	A necessary conference or consultation with counsel:	
	• if half an hour or less	110
	• if over half an hour — for each hour or part of an hour	160
36	In court or chambers or before the Registrar for hearing without counsel:	
	• for each hour or part of an hour of the hearing	320

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<b>Item</b>	<b>Matter for which charge may be made</b>	<b>Charge (\$)</b>
	<ul style="list-style-type: none"> <li>for each hour or part of an hour when likely to be heard, but not heard</li> </ul>	320
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	1 435
37	In court or chambers or before the Registrar for hearing with counsel:	
	<ul style="list-style-type: none"> <li>for each hour or part of an hour of the attendance during the hearing</li> </ul>	260
	<ul style="list-style-type: none"> <li>for each hour or part of an hour of the attendance when likely to be heard, but not heard</li> </ul>	260
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	1 179
	If a person other than a solicitor attends in place of a solicitor:	
	(a) attendance by a managing clerk:	
	<ul style="list-style-type: none"> <li>for each hour</li> </ul>	110
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	481
	(b) attendance by any other clerk:	
	<ul style="list-style-type: none"> <li>for each hour</li> </ul>	59
	<ul style="list-style-type: none"> <li>not to exceed per day</li> </ul>	256
38	To hear judgment	74
39	On taxation of costs:	
	<ul style="list-style-type: none"> <li>if a solicitor attends — for each hour or part of an hour</li> </ul>	160
	<ul style="list-style-type: none"> <li>if a clerk attends — for each hour or part of an hour</li> </ul>	40
40	If a solicitor attends at court or chambers for the hearing of an application or appeal, or on conference with counsel, at a distance of more than 50 kilometres from his or her place of business, and it is neither appropriate nor proper for an agent to attend, the taxing officer may allow for each day of absence from the place of business (except a Saturday, Sunday or public holiday) an amount that the taxing officer considers reasonable — not exceeding	364

Item	Matter for which charge may be made	Charge (\$)
<i>General Care and Conduct</i>		
41	<p>If the case or circumstances warrant it, an allowance may be claimed under this item, in addition to any other item that appears in this scale, for general care and conduct (if appropriate) including the following:</p> <ul style="list-style-type: none"> <li>(a) the complexity of the matter and the difficulty and novelty of questions raised;</li> <li>(b) the importance of the matter to the party and the amount involved;</li> <li>(c) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor;</li> <li>(d) the number and importance of the documents prepared or perused, without regard to length;</li> <li>(e) the time taken by the solicitor;</li> <li>(f) research and consideration of questions of law and fact</li> </ul>	a percentage of the total amount of the allowed costs excluding disbursements
<i>Counsel's Fees</i>		
42	It is proper for a solicitor to incur an amount for counsel's fees that appears to be fair and reasonable according to the circumstances of the case and the seniority of counsel. The fees incurred may be claimed as a disbursement	
43	If a solicitor briefs another solicitor as counsel, when it would be appropriate to brief counsel	a sum as a counsel's fee that the taxing officer considers just and reasonable having regard to the practice of allowing these fees that is permitted by the

Item	Matter for which charge may be made	Charge (\$)
		Supreme Court Rules of the State or Territory concerned (Order 62, rule 35)
	<i>Corporations Act 2001 — Short Form Bill</i>	
43A	The amount as to the costs of obtaining a winding-up order, up to and including entry and service of the order under section 470 of the <i>Corporations Act 2001</i> and the obtaining of a certificate of taxation Additional costs are allowable for any adjournment in which costs have been reserved by the Court in accordance with item 36 or 37, as the case may be	3 363
	<i>Bankruptcy Act 1966 — Short Form Bills</i>	
43B	Short form amount that may be claimed by an applicant on the making of a sequestration order	2 156
43C	Short form amount that may be claimed by an applicant on the dismissal of a petition	1 858
	<i>Migration Act 1958 — Short Form Bills</i>	
43D	Short form amount, including costs and disbursements, that may be claimed by a party in a standard migration case	5 494
43E	Short form amount, including costs and disbursements, that may be claimed by the respondent in a migration case on dismissal or discontinuance of the case	1 939
43F	Application for leave to appeal or extension of time	1 564
43G	Migration appeal case finalised before a final hearing	3 650
43H	Migration appeal case finalised after a final hearing	5 736
	<i>Witnesses' Expenses</i>	
44	Witnesses called because of their professional, scientific or other special skill or knowledge — for each day	190 to 940

Item	Matter for which charge may be made	Charge (\$)
45	Witnesses called, other than those covered in item 44 — for each day	110 to 176
46	Witnesses remunerated in their occupation by wages, salary or fees	the amount lost by attendance at Court
47	If a witness lives more than 50 kilometres from the Court	a sum that the taxing officer considers reasonable for the actual cost of travel, together with a reasonable amount for meals and accommodation
<i>Disbursements</i>		
48	All court fees and other fees and payments	to the extent to which they have been properly and reasonably incurred and paid
49	If a solicitor attends at court or chambers, or on conference with counsel, in the circumstances outlined in item 40	reasonable travelling expenses to the extent to which they have been reasonably incurred and paid
<i>Miscellaneous</i>		
50	Matters not included in this scale may be allowed to the extent they are covered by Order 62, rule 21	
	<i>Note 1</i> Bills of costs prepared in accordance with Order 62, rule 40 must identify costs and disbursements claimed with an item number.	
	<i>Note 2</i> A folio comprises 72 words (there are generally 3 folios to each page).	

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## Schedule 3 Powers of the Court that may be exercised by a Registrar

(Order 46, rule 7AA)

### Part 3.1 Corporations (*Aboriginal and Torres Strait Islander*) Act 2006

Item	Provision	Description (for information only)
1	subsection 526-1 (1)	Power to order that an Aboriginal and Torres Strait Islander corporation be wound up

### Part 3.2 Evidence and Procedure (*New Zealand*) Act 1994

Item	Provision	Description (for information only)
11	subsection 14 (1)	Power to set aside a subpoena in whole or in part
12	subsection 14 (4)	Power to determine an application without a hearing
13	subsection 14 (5)	Power to direct that a hearing is to be held by video link or telephone
14	section 16	Power to issue a certificate stating that the person named in a subpoena has failed to comply with the subpoena

### Part 3.3 Federal Court of Australia Act 1976

Item	Provision	Description (for information only)
21	subsection 31A (1)	Power to give summary judgment for a prosecuting party

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
22	subsection 31A (2)	Power to give summary judgment for a defending party
23	subsection 32AB (1)	Power to order the transfer of a proceeding to the Federal Magistrates Court
24	subsection 32AB (7)	Power to make a necessary order pending the disposal of a proceeding by the Federal Magistrates Court
25	subsection 47 (1)	Power to direct or allow the manner of giving of testimony in a proceeding other than the trial of a cause
26	subsection 47 (3)	Power to direct or allow proof by affidavit at the trial of a cause
27	subsection 47 (4)	Power to permit the use of an affidavit without cross-examination of the maker
28	subsection 47 (5)	Power to order the manner of giving of testimony at the trial of a cause
29	subsection 47A (1)	Power to direct or allow testimony to be given by video link, audio link or other appropriate means
30	subsection 47B (1)	Power to direct or allow a person to appear or to make a submission by video link, audio link or other appropriate means
31	section 47D	Power to direct or allow a document to be put to a person who is appearing or being examined by video link, audio link or other appropriate means
32	subsection 47F (1)	Power to make an order for payment of expenses incurred in connection with the giving of testimony, appearance or the making of submissions by video link, audio link or other appropriate means
33	section 48	Power to direct a change of venue for a proceeding or part of a proceeding
34	section 50	Power to make an order forbidding or restricting the publication of particular evidence or the name of a party or witness

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
35	subsection 51 (2)	Power to make an order declaring that a proceeding is not invalid by reason of an irregularity or formal defect
36	subsection 56 (1)	Power to order an applicant or appellant to give security for costs
37	subsection 56 (2)	Power to direct the amount, the time for giving, and the manner and form of security
38	subsection 56 (3)	Power to reduce or increase the amount of security
39	subsection 56 (3)	Power to vary the time of giving or the manner and form of security
40	subsection 56 (4)	Power to order that a proceeding or appeal be dismissed

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### **Part 3.4     *Foreign Evidence Act 1994***

<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
41	subsection 7 (1)	Power to make an order for taking evidence abroad
42	subsection 8 (1)	Power to give a direction about the procedure for examination of a person outside Australia
43	subsection 8 (2)	Power to include, in an order mentioned in paragraph 7 (1) (c) of the Act, a request about a matter relating to taking of evidence in a foreign country

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### **Part 3.5     *Foreign Judgments Act 1991***

<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
51	subsections 6 (3), (12), (13) and (14)	Power to order that a foreign judgment be registered
52	subsection 6 (5)	Power to make an order extending the time for making an application

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## Part 3.6 Federal Court Rules

Item	Provision	Description (for information only)
61	Order 1, rule 8	Power to dispense with compliance with a requirement of the Rules
62	Order 3, subrule 3 (1)	Power to make an order to extend or abridge a time
63	Order 3, rule 4	Power to make an order to fix a time
64	Order 4, subrule 9 (4)	Power to give a direction at a hearing of a claim for interlocutory relief
64A	Order 4, rule 12	Power to: (a) alter the date for a hearing to a later date; and (b) authorise the legal practitioner for a party to make corresponding alterations in any copy for service of any application or notice
65	Order 4, subrule 14 (2)	Power to give leave to a corporation to commence or carry on a proceeding otherwise than by a solicitor
66	Order 5, subrule 12 (2)	Power, in relation to a cross-claim, to do any of the following: (a) make an order or give a direction; (b) give leave to the respondent for certain matters; (c) dismiss the cross-claim; (d) determine certain matters; (e) pronounce judgment
67	Order 6, rule 2	Power to give leave for two or more persons to be joined as applicants or respondents in a proceeding
68	Order 6, subrule 7 (2)	Power to determine the issues or questions in dispute in a proceeding
69	Order 6, subrule 8 (1)	Power to order that a person be added as a party to a proceeding and make an order for the further conduct of the proceeding

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
70	Order 6, rule 9	Power to order that a person cease to be a party to a proceeding and make an order for the further conduct of the proceeding
71	Order 6, subrule 10 (2)	Power to make an order for the addition, removal or re-arrangement of parties and for the future conduct of a proceeding
72	Order 6, subrules 11 (1) and (2)	Power to make an order for certain matters relating to the further conduct of a proceeding
73	Order 6, subrule 12 (1)	Power to order that a proceeding be dismissed if a party is not substituted for a deceased party
74	Order 6, subrule 12 (2)	Power to give a direction for the service of an order made under Order 6, subrule 12 (1)
75	Order 6, subrule 17 (1)	Power to give leave to a person to intervene in a proceeding, determine the terms and conditions on which the person is to intervene and determine the rights, privileges and liabilities of the intervener
76	Order 7, subrule 6 (1)	Power to make an order about a person's address for service
77	Order 7, subrule 9 (1)	Power to order the taking of steps to bring a document to a person's attention (substituted service)
78	Order 7, subrule 9 (2)	Power to order that a document is taken to have been served at a specified time
79	Order 7, rule 10	Power to order that a document be taken to have been served on a person on a specified date
80	Order 7, subrule 11 (1)	Power to make an order that the filing of a document does not have effect as service of the document
81	Order 7, rule 12	Power to make an order about service of a notice or other document by the Court or an officer of the Court
82	Order 9, subrule 7 (1)	Power to make an order about an originating process

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
83	Order 10, subrules 1 (1) and (1A)	Power to give a direction for the conduct of a proceeding (including an appeal)
84	Order 10, subrule 1 (3)	Power to revoke or vary an order made under Order 10, subrule 1 (1) or (1A)
85	Order 10, rule 2	Power, on a directions hearing for a matter, to: <ul style="list-style-type: none"> <li>(a) fix a date for a further directions hearing or for trial; or</li> <li>(b) fix a date after which either party may request a date for trial; or</li> <li>(c) direct the parties to arrange a date for trial; or</li> <li>(d) stand the matter out of the list</li> </ul>
86	Order 10, rule 3	Power to hear and determine a proceeding on a directions hearing
87	Order 10, subrule 9 (2) and paragraph 9 (4) (a)	Power to grant leave for the use of a recording device or communication device in a place where a hearing is taking place
88	Order 11, rule 16	Power to order that the whole or a part of a pleading be struck out
89	Order 11, rule 19	Power to give a direction varying the times for filing and serving pleadings in a proceeding
90	Order 12, rule 5	Power to order a party to file and serve particulars or a statement of the nature of his or her case
91	Order 13, subrules 2 (1) and (3)	Power to order that: <ul style="list-style-type: none"> <li>(a) a document be amended; or</li> <li>(b) a party have leave to amend a document</li> </ul>
92	Order 13, rule 3A	Power to order when an amendment of a document takes effect
93	Order 13, subrules 5 (1), (2) and (4)	Power to make an order disallowing an amendment of a pleading

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
94	Order 13, subrule 7 (1)	Power to give a direction about the mode of amendment of a document and the consequential service of the amended document or notice of the amendment
95	Order 14, rule 3	Power to make an order about the filing of an affidavit with an interlineation, erasure or other alteration
96	Order 14, rule 3	Power to give leave for the use of an affidavit with an interlineation, erasure or other alteration
97	Order 14, rule 5	Power to make an order about the filing of an affidavit that is irregular in form
98	Order 14, rule 6	Power to give leave to use an affidavit
99	Order 14, subrule 7 (2)	Power to give a direction about the service of an affidavit
100	Order 14, subrule 9 (3)	Power to give leave to use an affidavit if the maker of the affidavit fails to attend for cross-examination
101	Order 15, rule 1	Power to give leave to a party to require another party to give discovery of documents
102	Order 15, subrule 2 (1)	Power to direct the time within which discovery must be given
103	Order 15, subrule 2 (2)	Power to make an order about the manner in which discovery must be given
104	Order 15, rule 3	Power to order that discovery by a party not be required or be limited
105	Order 15, rule 5	Power to order a party to give discovery in accordance with Order 15, rule 2
106	Order 15, subrule 6 (1)	Power to make an order about the form and content of a list of discovered documents
107	Order 15, rule 8	Power to order a party to file and serve an affidavit relating to a particular document or class of documents

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
108	Order 15, subrule 11 (1)	Power to order a party to: (a) produce a document for inspection; or (b) file and serve a copy of the whole or a part of the document, with or without an affidavit verifying the copy
109	Order 15, subrule 11 (2)	Power to make an order about an affidavit made under an order mentioned in Order 15, paragraph 11 (1) (e)
110	Order 15, subrule 13 (1)	Power to order a party to produce a document to the Court
111	Order 15, subrule 13 (2)	Power to deal with a document produced to the Court
112	Order 15, rule 14	Power to inspect a document for the purpose of deciding the validity of a claim for privilege or other objection to production
113	Order 15, rule 18	Power to make an order about the use of a document
114	Order 15A, subrule 3 (2)	Power to order a person to attend, or to make discovery, in relation to the description of a person
115	Order 15A, subrule 3 (3)	Power to: (a) order a person to produce a document or thing; or (b) direct that an examination be held before a Registrar
116	Order 15A, rule 6	Power to order a person to make discovery to an applicant
117	Order 15A, rule 8	Power to order a person who is not a party to make discovery to an applicant
118	Order 15A, subrules 9 (1) and (2)	Power to make an order about service of an application
119	Order 15A, subrule 11 (1)	Power to make an order for costs and expenses

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
120	Order 15A, subrule 11 (2)	Power to make an order under Order 15A on condition that the applicant give security for the costs and expenses of the person against whom the order is made
121	Order 15A, rule 12	Power to make an order about property
122	Order 16, subrule 1 (1)	Power to give leave to a party to file and serve a notice to answer interrogatories
123	Order 16, rule 3	Power to order that answers to interrogatories by a party not be required or be limited
124	Order 16, rule 5	Power to order a party to answer interrogatories
125	Order 16, subrule 6 (1)	Power to make an order about the form and content of a statement in answer to interrogatories
126	Order 16, subrule 6 (4)	Power to: <ul style="list-style-type: none"> <li>(a) require a party to specify his or her grounds for objecting to an interrogatory; and</li> <li>(b) determine the sufficiency of the objection</li> </ul>
127	Order 16, subrule 7 (2)	Power to specify who may make an affidavit verifying a statement of a party in answer to interrogatories
128	Order 16, subrule 8 (1)	Power to make an order if a party fails to answer an interrogatory sufficiently
129	Order 17, subrule 1 (1)	Power to make an order about property, a document or information
130	Order 19, paragraph 2 (2) (d)	Power to dispense with the requirements of Order 19, subrule 2 (1)
131	Order 19, rule 3	Power to make an order about the time for service of a notice of motion
132	Order 19, rule 5	Power to hear and dispose of a motion in the absence of a party
133	Order 19, rule 6	Power to appoint the date to which the hearing of a motion is adjourned

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
134	Order 19, subrule 7 (1)	Power to hear and dispose of a motion on a later day
135	Order 19, subrule 7 (1)	Power to fix a later day for the hearing and disposal of a motion
136	Order 19, subrule 7 (2)	Power to direct the filing or service of a further notice of motion
137	Order 20, subrule 2 (2)	Power to give summary judgment for an applicant
138	Order 20, subrule 2 (3)	Power to stay enforcement of a summary judgment
139	Order 20, subrule 3 (2)	Power to stay enforcement of a summary judgment
140	Order 20, subrule 4 (2)	Power to order that a proceeding be stayed or dismissed
141	Order 20, subrule 4 (3)	Power to receive evidence
142	Order 20, subrule 5 (2)	Power to order that a proceeding be stayed or dismissed
143	Order 20, subrule 5 (3)	Power to receive evidence
144	Order 22, rule 1	Power to give leave to a party to withdraw an appearance
145	Order 22, paragraph 2 (1) (d) and subrules 2 (2) and (3)	Power to give leave to discontinue all or part of a proceeding
146	Order 22, subrule 4 (2)	Power to give leave to a party to withdraw an admission or other matter operating for the benefit of another party
147	Order 22, rule 8	Power to stay a further proceeding until costs are paid
148	Order 25, paragraph 1 (1) (b)	Power to appoint a receiver before the commencement of a proceeding

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
149	Order 26, subrule 1 (2)	Power to make orders about the powers of a receiver
150	Order 26, rule 4	Power to fix remuneration for a receiver
151	Order 27, rule 2	Power to issue a subpoena
152	Order 27, subrule 4 (1)	Power to set aside a subpoena in whole or part, or grant other relief
153	Order 27, subrule 4 (3)	Power to order that an applicant give notice of an application to set aside a subpoena
154	Order 27, rule 8	Power to give a direction for the removal, return, inspection, copying and disposal of a document or thing
155	Order 27, subrule 9 (3)	Power to give leave to inspect a document or thing
156	Order 27, subrule 11 (1)	Power to order payment of reasonable loss or expense incurred in complying with a subpoena
157	Order 27, subrule 11 (2)	Power to fix an amount or direct that the amount be fixed in accordance with the Court's usual procedure
158	Order 27A, subrule 2 (2)	Power to give leave to issue a subpoena
159	Order 28, rule 4	Power to make an order directing the manner, time and terms for giving security for costs
160	Order 28, subrule 5 (1)	Power to order that a proceeding be stayed until security is provided, or be stayed or dismissed if security is not provided
161	Order 29, paragraph 2 (a)	Power to make an order for the decision of a question separately from another question
162	Order 29, paragraph 2 (b)	Power to make an order for the statement of a case and the question for decision
163	Order 29, rule 5	Power to order that several proceedings be consolidated, tried at the same time or in a specified order, or stayed until the determination of one of the proceedings
164	Order 32, subrule 2 (1)	Power to make an order if a party is absent when a proceeding is called on for trial

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
165	Order 32, subrule 2 (2)	Power to set aside or vary an order and give a direction for the further conduct of a proceeding
166	Order 32, subrule 4 (1)	Power to give a direction about the order of evidence and addresses and generally for the conduct of a trial
167	Order 32, subrule 4A (1)	Power to make a direction limiting time or the number of witnesses that a party may call
168	Order 32, subrule 4A (2)	Power to amend a direction limiting time or the number of witnesses that a party may call
169	Order 33, subrule 5 (1)	Power to give leave to a party to read evidence taken or an affidavit filed in other proceedings
170	Order 33, subrule 12 (1)	Power to make an order about the production of a document or thing on notice
171	Order 33, subrule 13 (1)	Power to make an order for the attendance of a person for examination, or for the attendance of a person and the production of a document or thing by the person
171A	Order 33, subrule 14 (1)	Power to make an order requiring the production of a prisoner from lawful custody to give evidence in proceedings before the Court or before an examiner under Order 24
171B	Order 33, subrule 15 (1)	Power to: <ul style="list-style-type: none"> <li>(a) make an order requiring the production of a party who is in lawful custody to a proceeding before the Court; and</li> <li>(b) make an order in relation to the continuing custody of the party</li> </ul>
172	Order 34A, subrule 3 (2)	Power to give a direction about the evidence of expert witnesses
173	Order 35, rule 1	Power to give judgment or make an order even if the applicant has not made a claim for that relief
174	Order 35, rule 3	Power to order that a judgment or order take effect on a specified date
175	Order 35, subrule 4 (2)	Power to order the time for compliance with an order

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
176	Order 36, paragraph 2 (1) (e)	Power to direct that an order be entered
177	Order 36, rule 5	Power to direct that an order be entered by being authenticated in Court
178	Order 37, subrule 7 (1)	Power to make an order, issue a writ or take another step to enforce a judgment or order
179	Order 45, subrule 7 (2)	Power to give leave to a solicitor to file or serve a notice of change
180	Order 46, subrule 5 (2A)	Power to make an order about documents being taken out of a Registry
181	Order 46, subrule 6 (1)	Power to make an order that a document in a proceeding is confidential
182	Order 46, subrules 6 (3) and (4)	Power to give leave to a person to inspect a document in a proceeding
183	Order 46, subrule 6 (5)	Power to give leave to a person or party to search for or inspect: <ul style="list-style-type: none"> <li>(a) a transcript of the proceeding; or</li> <li>(b) a document filed in a proceeding to support an application for privilege</li> </ul>
184	Order 52A, rule 5	Power to order that evidence in a proceeding be other than by affidavit
185	Order 52A, subrule 11 (5)	Power to make an order about the time when a notice of address for service must be served
186	Order 52A, rule 13	Power to give a direction for the conduct of a proceeding
187	Order 52B, subrule 4 (2)	Power to give a direction about rules that apply to an appeal
188	Order 52C, subrule 3 (3)	Power to give a direction about rules that apply to an appeal

<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
189	Order 53, paragraphs 15 (2) (a), (b), (c), (d), (h) and (i)	Power to do any of the following: <ul style="list-style-type: none"> <li>(a) determine the documents and matters to be included in appeal papers;</li> <li>(b) determine what documents and matters were before the AAT;</li> <li>(c) settle the index;</li> <li>(d) determine the number of copies of appeal papers required;</li> <li>(e) direct the place, time and mode of hearing;</li> <li>(f) determine any other matter for the purpose of preparing the appeal for hearing</li> </ul>
190	Order 54B, rule 4	Power to give a direction about an application in relation to a migration decision
191	Order 62, subrule 3 (2)	Power to make an order about when costs must be paid
192	Order 62, subrule 3 (3)	Power to make an order about when costs must be taxed
193	Order 62, subrule 4 (2)	Power to make an order about the amount of costs
194	Order 62, subrule 9 (1)	Power to do any of the following: <ul style="list-style-type: none"> <li>(a) disallow costs;</li> <li>(b) direct a legal practitioner to repay costs;</li> <li>(c) direct a legal practitioner to indemnify another party</li> </ul>
195	Order 62, subrule 9 (4)	Power to order that notice be given of a proceeding or order against a legal practitioner
196	Order 62, subrule 9 (5)	Power to give a direction for giving effect to a costs order
197	Order 62, subrule 12 (3)	Power to order that a party who called a witness or issued a subpoena requiring attendance of a witness pay the expenses of the witness
198	Order 62, rule 15	Power to make an order about reserved costs
199	Order 62, rule 23	Power to make an order about the payment of the costs of an application for an extension of time

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<b>Item</b>	<b>Provision</b>	<b>Description (for information only)</b>
200	Order 62, rule 24	Power to make an order about the payment of the costs of proof of a fact
201	Order 62, rule 25	Power to make an order about the payment of the costs of proof of a document
202	Order 62, rule 26	Power to make an order about the payment of costs for the whole or part of a proceeding that is discontinued without leave
203	Order 62, subrule 36 (1)	Power to give a direction about disallowance of costs
204	Order 63, paragraph 4 (1) (b)	Power to order that money be paid out of a Litigants' Fund
205	Order 72, rule 1	Power to make an order about the procedure for a mediation or arbitration
206	Order 72, subrule 4 (2)	Power to adjourn proceedings to a date fixed for the report to the Court from a mediator or arbitrator
207	Order 72, paragraph 5 (1) (a)	Power to terminate a mediation or an arbitration
208	Order 80, subrule 4 (1)	Power to refer a litigant for referral to a legal practitioner on Pro Bono Panel
209	Order 80, rule 6A	Power to give a direction about the cessation of a Referral Certificate

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## **Schedule 4 Powers of the Court that may be exercised by a Registrar (Native Title Act)**

(Order 78, rule 3A)

<b>Item</b>	<b>Provision of <i>Native Title Act 1993</i></b>	<b>Description (for information only)</b>
1	section 64	Power to grant leave to amend native title determination or compensation applications
2	sections 66 and 66A	Power to make orders as to person to whom notice must be given and how such notice must be given
3	section 66B	Power to make order to replace an applicant
4	section 67	Power to make order that overlapping applications be dealt with in the same proceeding
5	section 83A	Power to request searches to be conducted
6	section 84	Power to make orders for the joinder, dismissal, withdrawal, cessation or representation of a party
7	section 85	Power to grant leave to a party to be represented before the Court
8	section 86B	Power to refer applications to the National Native Title Tribunal for mediation
9	section 86C	Power to make order for the cessation of mediation
10	section 86F	Power to make order adjourning a proceeding
11	section 92	Power to prohibit disclosure of evidence