



TRIP1
 Administering
 complete this copy by inserting signature(s),
 and date of making and send to:
 Legislative Services Unit
 Office of Legislative Drafting
 Attorney-General's Department



Federal Magistrates Court Amendment Rules 2002 (No. 1)¹

Statutory Rules 2002 No. ²/₂

80

We, Federal Magistrates, make the following Rules of Court
 under the *Federal Magistrates Act 1999*.

Dated ²/₂ 2002

16 March

BRYANT CFM
 BARNES FM
 BAUMANN FM
 BREWSTER FM
 BROWN FM
 COKER FM
 CONNOLLY FM
 DONALD FM
 DRIVER FM
 HARTNETT FM
 McINNIS FM
 MEAD FM
 PHIPPS FM
 RAPHAEL FM
 RIMMER FM

ROBERTS FM
RYAN FM
SCARLETT FM
Federal Magistrates

PETER MAY
Chief Executive Officer

1 Name of Rules

These Rules are the *Federal Magistrates Court Amendment Rules 2002 (No. 1)*.

2 Commencement

These Rules commence on gazettal.

3 Amendment of *Federal Magistrates Court Rules 2001*

Schedule 1 amends the *Federal Magistrates Court Rules 2001*.

Schedule 1 Amendments

(rule 3)

[1] Rule 1.05, General outline, sixth dot point

substitute

- Chapter 6 applies to proceedings under other Acts including the *Administrative Decisions (Judicial Review) Act 1977* and the *Administrative Appeals Tribunal Act 1975*.

[2] Rule 1.06

omit

The Court

insert

(1) The Court

[3] Rule 1.06

insert

- (2) If, in a proceeding, the Court gives a direction or makes an order that is inconsistent with any of these Rules, the direction or order of the Court prevails in that proceeding.

[4] Subrule 4.03 (1)

omit

a cross-claim

insert

an application

[5] Subrule 4.03 (2)

omit

or cross-claim

[6] Paragraph 6.08 (2) (a)

substitute

- (a) on a company, as defined in section 9 of the *Corporations Act 2001*, in any manner permitted by section 109X of that Act; and

[7] Paragraphs 6.08 (2) (b) and (c)

omit

of the Corporations Law

insert

of that Act

-
- [8] **Paragraph 8.02 (4) (e)**
substitute
(e) the wishes of the parties;
(f) for family law or child support proceedings, whether the hearing of the proceeding is likely to take longer than 2 days.
- [9] **Rule 21.06**
omit
- [10] **Subdivision 21.3.1, heading**
omit
- [11] **Subrule 21.09 (2)**
substitute
(2) Subject to paragraphs 21.02 (2) (c) and 21.11 (2) (a), Order 38 of the Family Law Rules does not apply to a family law or child support proceeding in the Court.
- [12] **Rule 21.10**
after
proceeding
insert
(other than a proceeding to which the Bankruptcy Act applies)
- [13] **Rule 21.10, at the foot**
insert
Note For costs in a proceeding to which the Bankruptcy Act applies: see rule 29.08.

[14] Rule 21.11, heading

substitute

21.11 Taxation of costs

[15] Rule 21.11

omit

If a statement

insert

- (1) If a statement

[16] Rule 21.11

insert

- (2) When taxing a statement of costs, a taxing officer must apply:
- (a) for a family law or child support proceeding — the scale of costs set out in Schedule 2 to the Family Law Rules; and
 - (b) for a general federal law proceeding — the scale of costs set out in Schedule 2 to the Federal Court Rules.
- (3) In this rule:
taxing officer means a Registrar.

[17] Subdivision 21.3.2

omit

[18] Subrule 27.03 (2), second occurring

substitute

- (3) If the Court appoints a new mediator, the Court may order that the mediation continue in any way the Court directs.

[19] Rule 28.05

omit

A cross-respondent

insert

- (1) A cross-respondent

[20] Rule 28.05

insert

- (2) A response must be filed and served within 14 days of service of the cross-claim to which it relates.

[21] After rule 29.07

insert

29.08 Costs


Unless the Court otherwise orders, a party entitled to costs in a proceeding to which the Bankruptcy Act applies is entitled to costs in accordance with the Federal Court Rules.

[22] Schedule 1, Part 3

omit

[23] Schedule 2, Part 1, Application

substitute



FEDERAL
MAGISTRATES
COURT OF
AUSTRALIA

Application

File number	
Filed on	
Place of hearing	
Hearing date	
Hearing time	AM PM

Type or print clearly. Mark boxes where applicable.

Please identify whether the orders sought in this application are:

Final orders Interim orders Both

APPLICATION

<input type="checkbox"/> Administrative Decisions (Judicial Review) Act 1977 <input type="checkbox"/> Bankruptcy Act 1966 <input type="checkbox"/> Human Rights and Equal Opportunity Commission Act 1986 <input type="checkbox"/> Migration Act 1958 <input type="checkbox"/> Privacy Act 1988 <input type="checkbox"/> Trade Practices Act 1974	<input type="checkbox"/> Family Law Act 1975 <input type="checkbox"/> Children <input type="checkbox"/> Property <input type="checkbox"/> Children & Property <input type="checkbox"/> Maintenance <input type="checkbox"/> Other <input type="checkbox"/> Child Support (Assessment) Act 1989 <input type="checkbox"/> Child Support (Registration and Collection) Act 1988
--	---

Notice to Respondent(s):
 If you wish to oppose this application, **OR** want the court to make other orders, **you must:**
 File a response and affidavit in the court;
 Attend the hearing (If you do not attend the hearing orders may be made in your absence)
 You must also deliver a copy of the response to either the applicant or the applicant's solicitor within 14 days of service of the Application or cross claim.

	Applicant 1	Respondent 1
Full name	family name (surname) given names	family name (surname) given names
Address	postcode tel ()	postcode tel ()
	Applicant 2	Respondent 2
	family name (surname) given names	family name (surname) given names
	postcode tel ()	postcode tel ()
Postal Address for Service of documents on applicant(s)	postcode tel () tel () email	
Lawyers for Applicant(s)	Lawyer DX or Postal Address postcode tel () email	

FINAL ORDERS SOUGHT BY APPLICANT

Details of the types of orders that may be sought are available on the FMS website, www.fms.gov.au. An application must precisely and briefly state the orders sought and (if the application is for a general federal law proceeding) the basis on which the orders are sought. You must file with this application an affidavit stating the facts relied on. You must also file an information sheet if your application is for certain orders under the Family Law Act 1975 or alleges unlawful discrimination.

<p>State precisely the orders you seek</p>	1	
<p>Attach extra page if you need more space</p>	2	
	3	

INTERIM OR PROCEDURAL ORDERS SOUGHT

If you have already filed an affidavit and seek to rely only on that evidence you need not file a further affidavit with this application.

<p>State precisely the orders you seek</p>	1	
<p>Attach extra page if you need more space</p>	2	
	3	

SIGNATURE OF APPLICANT OR LAWYER

Signed	Date

applicant(s) lawyer for applicant(s)

[24] **Schedule 2, Part 2, Form 4**
substitute

<p>name of court: _____</p> <p style="text-align: center;">Application for Divorce (Dissolution of marriage) Where there is no child under 18 Form 4 – Family Law Rules Order 7 rule 4</p> <p><i>*Type or print clearly *Mark boxes where applicable</i></p> <p>Application by: husband alone <input type="checkbox"/> wife alone <input type="checkbox"/> both together <input type="checkbox"/></p>	<p style="text-align: center;">Court use only</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">File Number</td> <td style="width: 50%;"></td> </tr> <tr> <td>Filed at/ Filed on</td> <td></td> </tr> <tr> <td>Place of Hearing</td> <td></td> </tr> <tr> <td>Hearing date/ Hearing time</td> <td></td> </tr> </table>	File Number		Filed at/ Filed on		Place of Hearing		Hearing date/ Hearing time																																																																																																
File Number																																																																																																								
Filed at/ Filed on																																																																																																								
Place of Hearing																																																																																																								
Hearing date/ Hearing time																																																																																																								
A Personal details																																																																																																								
	the husband	the wife																																																																																																						
<p>1 Family name used now</p> <p>2 Given names</p> <p>3 Full name exactly as it appears on marriage certificate</p> <p>4 Address</p> <p>5 Occupation</p> <p>6 Date and country of birth</p> <p>7 Citizenship, domicile and residence</p> <p><i>put a mark in every box that applies (both columns)</i></p> <p>Other information</p> <p><i>attach an extra page if you need more space</i></p> <p>8 Address for service of documents on applicant</p> <ul style="list-style-type: none"> - lawyer's name - firm name - address - phone, fax and DX 	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr> <td style="text-align: center;">postcode</td> <td style="text-align: center;">postcode</td> </tr> <tr><td style="height: 20px;"></td></tr> <tr> <td style="text-align: center;">day month year</td> <td style="text-align: center;">country</td> <td style="text-align: center;">day month year</td> <td style="text-align: center;">country</td> </tr> <tr> <td style="text-align: center;">/ /</td> <td></td> <td style="text-align: center;">/ /</td> <td></td> </tr> <tr> <td>Regards Australia as his home</td> <td><input type="checkbox"/></td> <td>Regards Australia as her home</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Intends to live indefinitely in Australia</td> <td><input type="checkbox"/></td> <td>Intends to live indefinitely in Australia</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Has lived his whole life in Australia</td> <td><input type="checkbox"/></td> <td>Has lived her whole life in Australia</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Is an Australian citizen</td> <td><input type="checkbox"/></td> <td>Is an Australian citizen</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application</td> <td><input type="checkbox"/></td> <td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application</td> <td><input type="checkbox"/></td> </tr> <tr><td style="height: 40px;"></td></tr> <tr> <td>address in 4 above</td> <td><input type="checkbox"/></td> <td>lawyer below</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="4" style="text-align: center;">complete:</td> </tr> <tr> <td style="text-align: center;">tel()</td> <td style="text-align: center;">fax()</td> <td style="text-align: center;">code</td> <td style="text-align: center;">postcode</td> </tr> <tr> <td colspan="4" style="text-align: center;"><small>DX and substitution</small></td> </tr> </table>				postcode	postcode		day month year	country	day month year	country	/ /		/ /		Regards Australia as his home	<input type="checkbox"/>	Regards Australia as her home	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>	Has lived his whole life in Australia	<input type="checkbox"/>	Has lived her whole life in Australia	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>		address in 4 above	<input type="checkbox"/>	lawyer below	<input type="checkbox"/>	complete:				tel()	fax()	code	postcode	<small>DX and substitution</small>				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr> <td style="text-align: center;">postcode</td> <td style="text-align: center;">postcode</td> </tr> <tr><td style="height: 20px;"></td></tr> <tr> <td style="text-align: center;">day month year</td> <td style="text-align: center;">country</td> <td style="text-align: center;">day month year</td> <td style="text-align: center;">country</td> </tr> <tr> <td style="text-align: center;">/ /</td> <td></td> <td style="text-align: center;">/ /</td> <td></td> </tr> <tr> <td>Regards Australia as her home</td> <td><input type="checkbox"/></td> <td>Regards Australia as his home</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Intends to live indefinitely in Australia</td> <td><input type="checkbox"/></td> <td>Intends to live indefinitely in Australia</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Has lived her whole life in Australia</td> <td><input type="checkbox"/></td> <td>Has lived his whole life in Australia</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Is an Australian citizen</td> <td><input type="checkbox"/></td> <td>Is an Australian citizen</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application</td> <td><input type="checkbox"/></td> <td>Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application</td> <td><input type="checkbox"/></td> </tr> <tr><td style="height: 40px;"></td></tr> <tr> <td>address in 4 above</td> <td><input type="checkbox"/></td> <td>lawyer below</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="4" style="text-align: center;">complete:</td> </tr> <tr> <td style="text-align: center;">tel()</td> <td style="text-align: center;">fax()</td> <td style="text-align: center;">code</td> <td style="text-align: center;">postcode</td> </tr> <tr> <td colspan="4" style="text-align: center;"><small>DX and substitution</small></td> </tr> </table>				postcode	postcode		day month year	country	day month year	country	/ /		/ /		Regards Australia as her home	<input type="checkbox"/>	Regards Australia as his home	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>	Has lived her whole life in Australia	<input type="checkbox"/>	Has lived his whole life in Australia	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>		address in 4 above	<input type="checkbox"/>	lawyer below	<input type="checkbox"/>	complete:				tel()	fax()	code	postcode	<small>DX and substitution</small>			
postcode	postcode																																																																																																							
day month year	country	day month year	country																																																																																																					
/ /		/ /																																																																																																						
Regards Australia as his home	<input type="checkbox"/>	Regards Australia as her home	<input type="checkbox"/>																																																																																																					
Intends to live indefinitely in Australia	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>																																																																																																					
Has lived his whole life in Australia	<input type="checkbox"/>	Has lived her whole life in Australia	<input type="checkbox"/>																																																																																																					
Is an Australian citizen	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>																																																																																																					
Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>																																																																																																					
address in 4 above	<input type="checkbox"/>	lawyer below	<input type="checkbox"/>																																																																																																					
complete:																																																																																																								
tel()	fax()	code	postcode																																																																																																					
<small>DX and substitution</small>																																																																																																								
postcode	postcode																																																																																																							
day month year	country	day month year	country																																																																																																					
/ /		/ /																																																																																																						
Regards Australia as her home	<input type="checkbox"/>	Regards Australia as his home	<input type="checkbox"/>																																																																																																					
Intends to live indefinitely in Australia	<input type="checkbox"/>	Intends to live indefinitely in Australia	<input type="checkbox"/>																																																																																																					
Has lived her whole life in Australia	<input type="checkbox"/>	Has lived his whole life in Australia	<input type="checkbox"/>																																																																																																					
Is an Australian citizen	<input type="checkbox"/>	Is an Australian citizen	<input type="checkbox"/>																																																																																																					
Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application	<input type="checkbox"/>																																																																																																					
address in 4 above	<input type="checkbox"/>	lawyer below	<input type="checkbox"/>																																																																																																					
complete:																																																																																																								
tel()	fax()	code	postcode																																																																																																					
<small>DX and substitution</small>																																																																																																								
B Request not to attend proceedings		Read instructions first																																																																																																						
<p>9 Do you want to attend the Court when it decides your application?</p>	<p>husband yes <input type="checkbox"/> no <input type="checkbox"/></p> <p>wife yes <input type="checkbox"/> no <input type="checkbox"/></p>																																																																																																							
<p>Page 1</p>	<p>Court use only: fee paid <input type="checkbox"/> fee waived <input type="checkbox"/> within 2 years of date of marriage <input type="checkbox"/> Entered Casarack <input type="checkbox"/></p>																																																																																																							

C Details of marriage and separation **Read instructions first**

10 Date, town/city and country of marriage

day	month	year	place	country
/	/			

11 When did you and your spouse separate?

day	month	year
/	/	

12 (a) At that time, did you regard the marriage as over?

husband yes wife yes
 husband no go to (b) wife no go to (b)

(b) When did you regard the marriage as over?
(give date – see instructions for additional information you may have to give the Court)

<i>(if husband is completing if applicable)</i>	<i>(if wife is completing if applicable)</i>
/ /	/ /

13 (a) Have you and your spouse lived under the same roof at any time after separation?

no
 yes go to (b)

(b) Give dates and length of each period
(give date – see instructions for additional information you may have to give the Court)

day/month/year	day/month/year	length
From	to	
From	to	

14 (a) At any time after you separated, have you and your spouse lived as husband and wife?

no
 yes go to (b)

(b) Give dates and length of each period
(see instructions for additional information)

day/month/year	day/month/year	length
From	to	
From	to	

15 Do you think it is likely that you will reconcile and live together as husband and wife?

no
 yes

16 Is there any child under 18 who is:

- a child of you and your spouse?
 or - a child treated as a member of your family when you last separated?

no go to Part F
 yes see instructions

Page 2 **D and E – not applicable** **Go to Part I'**

F Affidavit of applicant(s) Read instructions first

If only one person is applying, only that person should sign.
Both husband and wife to sign ONLY if they are applying together.

I swear/affirm that:

- 1 I am the applicant
- 2 I have read this application
- 3 The facts of which I have personal knowledge are true
- 4 All other facts are true to the best of my knowledge, information and belief.

signature of husband

Signature	Sworn/affirmed
	Place: _____ Date: / /

Before me (signature of witness)	Full name of witness (please print)

Justice of the Peace Other authorised person specify

signature of wife

Signature	Sworn/affirmed
	Place: _____ Date: / /

Before me (signature of witness)	Full name of witness (please print)

Justice of the Peace Other authorised person specify

G Lawyer's declaration (complete only if lawyer is filing application)

I gave the applicant(s) a copy of the Family Court brochure *Marriage, Families and Separation*

Signature of lawyer	Print full name	Date
		/ /

Page 3 **H - if you have been married less than 2 years you must also attach Part II. See instructions.**

Notice of Application – divorce (dissolution of marriage)

Complete this notice if you are applying on your own.

Pin this Notice of Application to the front of the copy of the divorce application to be served on your spouse.

To (name of spouse)

Address

postcode

In the attached application form your spouse is applying for divorce on the ground that the marriage has ended. The Court has set down a time and place to hear the application as indicated on page 1 of the application.

You should check the details given by your spouse in the form to make sure that they are correct to the best of your knowledge. You should also read the enclosed brochure *Marriage, Families and Separation* carefully. It sets out the legal and possible social effects of these proceedings and the counselling and welfare facilities available.

You should sign, date and return the Acknowledgment of Service (Form 19) to the person who served the divorce application.

If you do not oppose the application

You do not have to do anything else. The Court will send you any decree after it becomes absolute.

If your spouse has asked to be absent from the hearing in Part B of the application, the Court may agree unless you file a response (Form 13 or 14) or file with the Court and serve on your spouse a request not to hear proceedings in parties' absence (Form 10) at least 7 days before the date of the hearing.

If you oppose the application

You must fill in a Response form (Form 13 or 14) if you want to:

- (a) deny any statement in the application; or
- (b) ask the Court to consider any additional information; or
- (c) ask the Court to dismiss the application; or
- (d) make any other submission to the Court; or
- (e) deny that the Court has jurisdiction to hear your case.

You must lodge the form with the Court no later than:

- 28 clear days after the application was served on you, if it was served in Australia; or
- 42 clear days after the application was served on you if it was served overseas.

You must also serve a copy of the form on your spouse in accordance with the Family Law Rules. You can obtain a copy of the form and instructions on how to serve it from the Court.

You must also come to the hearing. If you do not, the Court may proceed with the application in your absence.

Property and maintenance

If you want to apply to the Court about property or your own maintenance, you must do so by separate application within 12 months of the decree absolute. After that time you must first obtain the leave of the Court to apply.

Signature of registry officer

Date:

Page 4

name of court Application for Divorce (Dissolution of marriage) Where there is a child under 16 Form 4 – Family Law Rules Order 7 rule 4 * Type or print clearly * Mark boxes where applicable	Court use only	
	File Number	
	Filed at / Filed on	
	Place of Hearing	
	Hearing date / Hearing time	

Application by: husband alone wife alone both together

A Personal details the husband the wife

1 Family name used now		
2 Given names		
3 Full name exactly as it appears on marriage certificate		
4 Address	postcode	postcode
5 Occupation		
6 Date and country of birth	day month year country	day month year country
7 Citizenship, domicile and residence <i>put a mark in every box that applies (both columns)</i>	Regards Australia as his home <input type="checkbox"/>	Regards Australia as her home <input type="checkbox"/>
	Intends to live indefinitely in Australia <input type="checkbox"/>	Intends to live indefinitely in Australia <input type="checkbox"/>
	Has lived his whole life in Australia <input type="checkbox"/>	Has lived her whole life in Australia <input type="checkbox"/>
	Is an Australian citizen <input type="checkbox"/>	Is an Australian citizen <input type="checkbox"/>
	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application <input type="checkbox"/>	Ordinarily lives in Australia and has lived in Australia for 12 months immediately before this application <input type="checkbox"/>
Other information	attach an extra page if you need more space	
8 Address for service of documents on applicant - name of lawyer - firm name - address - phone, fax and DX	address in 4 above <input type="checkbox"/> lawyer below <input type="checkbox"/> complete.	code postcode

B Request not to attend proceedings (Complete only if you are making a joint application)

9 Do you want to attend the Court when it decides your application?	husband yes <input type="checkbox"/> no <input type="checkbox"/>
	wife yes <input type="checkbox"/> no <input type="checkbox"/>

Page 1 Court use only: fee paid fee waived within 2 years of date of marriage Entered Casetrack

C Details of marriage and separation

Read instructions first

- 10 Date, town/city and country of marriage
- 11 When did you and your spouse separate?
- 12 (a) At that time, did you regard the marriage as over?
(b) When did you regard the marriage as over?
(give date – see instructions for additional information you may have to give the Court)
- 13 (a) Have you and your spouse lived under the same roof at any time after separation?
(b) Give dates and length of each period
(give date – see instructions for additional information you may have to give the Court)
- 14 (a) At any time after you separated, have you and your spouse lived as husband and wife?
(b) Give dates and length of each period
(see instructions for additional information)
- 15 Do you think it is likely that you will reconcile and live together as husband and wife?
- 16 Is there any child under 18 who is:
- a child of you and your spouse?
or - a child treated as a member of your family when you last separated?

day month year place country
/ /

day month year
/ /

husband yes wife yes
 husband no go to (b) wife no go to (b)

(b) husband to complete if applicable: / /
 (b) wife to complete if applicable: / /

no
 yes go to (b)

From	day/month/year	to	day/month/year	length
From		to		
From		to		

no
 yes go to (b)

From	day/month/year	to	day/month/year	length
From		to		
From		to		

no
 yes

no go to Part F
 yes how many? go to Part D

D Other court proceedings and orders

Read instructions first

- 17 Are there any family law, domestic violence or child welfare proceedings pending concerning the husband, wife or the children listed in Part E?
attach an extra page if you need more space
- 18 Are there any current family law, domestic violence or child welfare orders, undertakings, parenting plans or registered agreements concerning the husband, wife or children listed in Part E?
attach an extra page if you need more space

no
 yes give details (including name of court, date listed, orders sought and stage of proceedings)

.....

no
 yes go to (a)
 (a) copy attached or
 (b) details below give details (including parties, name of court, orders, undertakings, agreements, parenting plans and date made)

.....

.....

.....

E Children under 18	child 1	child 2
19 Child's family name (surname)	<input type="text"/>	<input type="text"/>
20 Given names	<input type="text"/>	<input type="text"/>
21 Date of birth	day / month / year <input type="text"/>	day / month / year <input type="text"/>
22 Address	<input type="text"/> postcode <input type="text"/>	<input type="text"/> postcode <input type="text"/>
23 Who else lives in child's home	husband <input type="checkbox"/> wife <input type="checkbox"/> other <input type="checkbox"/> list details:	husband <input type="checkbox"/> wife <input type="checkbox"/> other <input type="checkbox"/> list details:
(a) name	(a) <input type="text"/>	(a) <input type="text"/>
age/sex	<input type="text"/>	<input type="text"/>
relationship to child	<input type="text"/>	<input type="text"/>
(b) name	(b) <input type="text"/>	(b) <input type="text"/>
age/sex	<input type="text"/>	<input type="text"/>
relationship to child	<input type="text"/>	<input type="text"/>
<i>attach extra page if you need more space</i>		
24 Details for child:		
(a) housing
(b) supervision
(c) contact
(d) financial support
(e) health
(f) education
<i>attach extra page if you need more space</i>		
25 Do you propose any changes to these arrangements?	no <input type="checkbox"/> yes <input type="checkbox"/> give details:	no <input type="checkbox"/> yes <input type="checkbox"/> give details:
<i>attach extra page if you need more space.</i>

If there are no other children go to F
Additional space for any other children referred to in 16 is provided over leaf

E Children under 18	child 3	child 4
19 Child's family name (surname)	<input type="text"/>	<input type="text"/>
20 Given names	<input type="text"/>	<input type="text"/>
21 Date of birth	day / month / year <input type="text"/>	day / month / year <input type="text"/>
22 Address	<input type="text"/> postcode <input type="text"/>	<input type="text"/> postcode <input type="text"/>
23 Who else lives in child's home	husband <input type="checkbox"/> wife <input type="checkbox"/> other <input type="checkbox"/> list details:	husband <input type="checkbox"/> wife <input type="checkbox"/> other <input type="checkbox"/> list details:
(a) name	<input type="text"/>	<input type="text"/>
age/sex	<input type="text"/>	<input type="text"/>
relationship to child	<input type="text"/>	<input type="text"/>
(b) name	<input type="text"/>	<input type="text"/>
age/sex	<input type="text"/>	<input type="text"/>
relationship to child	<input type="text"/>	<input type="text"/>
<i>attach an extra page if you need more space</i>		
24 Details for child:		
(a) housing	<input type="text"/>	<input type="text"/>
(b) supervision	<input type="text"/>	<input type="text"/>
(c) contact	<input type="text"/>	<input type="text"/>
(d) financial support	<input type="text"/>	<input type="text"/>
(e) health	<input type="text"/>	<input type="text"/>
(f) education	<input type="text"/>	<input type="text"/>
<i>attach extra page if you need more space</i>		
25 Do you propose any changes to these arrangements?	no <input type="checkbox"/> yes <input type="checkbox"/> give details:	no <input type="checkbox"/> yes <input type="checkbox"/> give details:
<i>attach extra page if you need more space.</i>		

Page 4

Attach further pages for any other children referred to in 16

F Affidavit of applicant(s) Read instructions first

If only one person is applying, only that person should sign.
Both husband and wife to sign **ONLY** if they are applying together.

I swear/affirm that:

- 1 I am the applicant
- 2 I have read this application
- 3 The facts of which I have personal knowledge are true
- 4 All other facts are true to the best of my knowledge, information and belief.

signature of husband

Signature	Sworn/affirmed
	Place: _____ Date: / /

Before me (signature of witness)	Full name of witness (please print)

Justice of the Peace Other authorised person specify

signature of wife

Signature	Sworn/affirmed
	Place: _____ Date: / /

Before me (signature of witness)	Full name of witness (please print)

Justice of the Peace Other authorised person specify

G Lawyer's declaration (complete only if lawyer is filing application)

I gave the applicant(s) a copy of the Family Court brochure *Marriage, Families and Separation*

Signature of lawyer	Print full name	Date
		/ /

Page 5 **II – If you have been married for less than 2 years you must also attach Part II. See instructions.**

Notice of Application – divorce (dissolution of marriage)
 Complete this notice if you are applying on your own.
 Put this Notice of Application to the front of the copy of the divorce application to be served on your spouse.

To (name of spouse)

Address

In the attached application form your spouse is applying for divorce on the ground that the marriage has ended. The Court has set down a time and place to hear the application as indicated on page 1 of the application.

You should check the details given by your spouse in the form to make sure that they are correct to the best of your knowledge. You should also read the enclosed brochure *Marriage, Families and Separation* carefully. It sets out the legal and possible social effects of these proceedings and the mediation and welfare facilities available.

You should sign, date and return the Acknowledgment of Service (Form 19) to the person who served the divorce application.

If you do not oppose the application

You do not have to do anything else. The Court will send you any decree after it becomes absolute.

If you oppose the application

You must fill in a Response form (Form 13 or 14) if you want to:

- (a) deny any statement in the application; or
- (b) ask the Court to consider any additional information; or
- (c) ask the Court to dismiss the application; or
- (d) make any other submission to the Court; or
- (e) deny that the Court has jurisdiction to hear your case.

You must lodge the form with the Court no later than:

- 28 clear days after the application was served on you, if it was served in Australia; or
- 42 clear days after the application was served on you if it was served overseas.

You must also serve a copy of the form on your spouse in accordance with the Family Law Rules. You can obtain a copy of the form and instructions on how to serve it from the Court.

You must also come to the hearing. If you do not, the Court may proceed with the application in your absence.

Property and maintenance

If you want to apply to the Court about property or your own maintenance, you must do so by separate application within 12 months of the decree absolute. After that time you must first obtain the leave of the Court to apply.

Signature of registry officer

Date: / /

[25] Schedule 2, Part 3, Form 152

after

taxed

insert

in accordance with the Federal Court Rules

[26] Dictionary, after definition of *child representative*

insert

child support proceeding means a proceeding under the Assessment Act or the Registration Act.

[27] Dictionary, definition of *family law proceeding*

substitute

family law proceeding means a proceeding under the Family Law Act.

[28] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Paragraph 1.05 (3) (a)	family law proceedings;	family law or child support proceedings;
Rule 1.05, General outline, second dot point	family law proceedings	family law and child support proceedings
Rule 1.05, General outline, third dot point	family law proceedings	family law or child support proceedings
Paragraph 2.08 (1) (a)	family law proceeding	family law or child support proceeding
Subrule 6.07 (3)	family law proceeding,	family law or child support proceeding,
Rule 10.04, note 2	family law proceeding)	family law or child support proceeding)
Rule 10.04, note 3	family law and child support matters:	family law and child support proceedings:
Rule 10.04, note 4	family law proceedings:	family law or child support proceedings:

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subrule 14.11 (2)	Family Law proceeding	family law or child support proceeding
Rule 21.01, note	other than family law proceedings	other than family law or child support proceedings
Rule 21.01, note	for family law proceedings.	for family law and child support proceedings.
Paragraph 21.08 (a)	family law proceeding	family law or child support proceeding
Chapter 2, heading	Family law proceedings	Family law and child support proceedings
Rule 23.02, note	family law proceeding	family law or child support proceeding
Chapter 3, heading	Proceedings other than family law	Proceedings other than family law or child support
Rule 26.01, note	family law proceedings.	family law or child support proceedings.
Dictionary, definition of <i>general federal law proceeding</i>	family law proceeding.	family law or child support proceeding.

Notes

1. These Regulations amend Statutory Rules 2001 No. 195.

2. Notified in the *Commonwealth of Australia Gazette* on 18 April 2002.