

Instructions for completion

APPLICATION IN A CASE

1. This form is used to make an application in a case which has already commenced. It should be used by any person when seeking interlocutory, interim or procedural orders, if the orders were not sought in the original application or response.
2. The names and description of the parties shown in the heading of the form should repeat the heading of the original application. For instance, by describing the applicant/s and respondent/s to the original application.
3. The name/s of the person making the application in the case should be shown at the place indicated at the beginning of the form.
4. The orders sought should include the name/s of the persons against whom the orders are sought.
5. You must complete address for service details in the footer on page 1. All correspondence concerning the application will be sent to the mailing address inserted and all documents in the proceedings will be deemed to have been served on you if posted to that address. If your address details change, you must file a notice of address for service within seven days, and serve a copy on all other parties: see Rule 6.02 of the *Federal Circuit Court Rules 2001* (the Rules).
6. The evidence supporting this application must be provided by affidavit/s filed with this application; see Subrule 4.05(1). The affidavit must include a full narrative of all facts, matters and circumstances, including documentary evidence, upon which you rely. However, an affidavit is not required in certain circumstances; see Subrule 4.05(2).
7. Unless the Court orders otherwise, an application and other documents filed with it may not be served less than three days before the day fixed for the hearing of an application in a case; see Rule 6.19. Service by hand is not required where the person to be served has given notice of an address for service; see Subrule 6.06(2)(a) and Rule 6.11. The application and other documents must be served on each party and the person against whom orders are sought if that person is not a party.
8. If you are completing this application by hand and you need more space in any section, attach extra page/s as required.
9. Once complete, you need to file the original and two copies of this application with the court registry. The Court will keep the original and return two sealed copies to you. You will need to serve a copy on the other party and keep a copy for your records.

Remove this instruction sheet before filing

FEDERAL CIRCUIT COURT OF AUSTRALIA

REGISTRY:

| |
|-----------------------|
| File number: |
| COURT USE ONLY |
| Court Location |
| Court date |
| Court time |

.....
Applicant

.....
Respondent

.....
Other party (if applicable)

Repeat as necessary for additional parties

APPLICATION IN A CASE

This application is made by (name):

Court date

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

All parties or their legal representatives should attend this hearing, at which the Court may hear and determine relevant issues or may give directions for the future conduct of the proceeding.

.....
(for) Registrar

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

Filed on behalf of

Prepared by Lawyer's code

Name of law firm

Address for service in Australia

State Postcode

Email DX

Tel Fax Attention

Orders sought (state precisely each order sought)

- 1.
- 2.
- 3.

Affidavit/s (Provide details of the affidavit (s) supporting this application.)

This application is supported by an affidavit made by [*name of deponent*] dated [*date*] # and filed in the Court on [*date filed in Court*] in support of [*describe the document that the affidavit was filed in support of*] #

. (# Only complete additional details if affidavit already filed in the Court under sub rule 4.05(2). Delete if not required)

Signature of person applying or lawyer

Signed by (print name)

person applying or lawyer for person applying

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

Addresses of parties (List the names and addresses for service of all the other parties to the proceeding and the name and address of any other person intended to be served with the application in the case.)

| Name | Address |
|------|---------|
| | |
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Form approved by the Chief Judge pursuant to Subrule 2.04(1A) for the purpose of Subrule 4.08(1).