

# Notice of Discontinuance

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 10.02

Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021 – RULE 13.01

**Please type or print clearly** and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

**Use this form if you are no longer seeking all or some of the orders previously sought by you.**

Filed in:

- Federal Circuit and Family Court of Australia  
 Family Court of Western Australia  
 Other (specify) \_\_\_\_\_

**Type of proceedings:**

- Family law proceedings  
 Migration proceedings  
 General federal law proceedings  
 Other (specify) \_\_\_\_\_

**Filed on behalf of:**

Full name: **John Smith** \_\_\_\_\_

Client ID XXXXXXXXXX \_\_\_\_\_

File number/appeal number (P)123/45678

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court date \_\_\_\_\_

**NOTE:**

- This notice must be served on any other party, including any independent children's lawyer as soon as practicable after filing.
- Filing this notice does not prevent any other party from continuing with their case, and obtaining orders, including for costs.
- If this notice relates to an appeal in the appellate jurisdiction of the Federal Circuit and Family Court of Australia (Division 1) the notice must be filed in the National Appeal Registry.

## Part A About the parties

### 1 APPLICANT 1 / APPELLANT 1

Family name as used now

**Smith**

Given names

**John**

### APPLICANT 2 / APPELLANT 2

Family name as used now

\_\_\_\_\_

Given names

\_\_\_\_\_

### RESPONDENT 1

Family name as used now

**Smith**

Given names

**Jane**

### RESPONDENT 2

Family name as used now

\_\_\_\_\_

Given names

\_\_\_\_\_

## Part B About the independent children's lawyer (if appointed)

### 2 Independent children's lawyer family name Given names

\_\_\_\_\_

Firm name

\_\_\_\_\_

## Part C

### Details of discontinuance – family law proceedings only

- 3 Which application / response / reply / notice of appeal / notice do you wish to discontinue in whole or in part?

MARK [X] ALL BOXES THAT APPLY

- |                                     |   |          |         |       |
|-------------------------------------|---|----------|---------|-------|
| <input type="checkbox"/>            | Initiating Application (Family Law)             | filed on | /       | /     |
| <input type="checkbox"/>            | Response to Initiating Application (Family Law) | filed on | /       | /     |
| <input type="checkbox"/>            | Reply   | filed on | /       | /     |
| <input type="checkbox"/>            | Application in a Proceeding                     | filed on | /       | /     |
| <input type="checkbox"/>            | Response to Application in a Proceeding         | filed on | /       | /     |
| <input checked="" type="checkbox"/> | Application for Divorce                         | filed on | 04 / 11 | /20XX |
| <input type="checkbox"/>            | Response to Divorce                             | filed on | /       | /     |
| <input type="checkbox"/>            | Application – Contravention                     | filed on | /       | /     |
| <input type="checkbox"/>            | Application – Contempt                          | filed on | /       | /     |
| <input type="checkbox"/>            | Application – Enforcement                       | filed on | /       | /     |
| <input type="checkbox"/>            | Notice of Appeal                                | filed on | /       | /     |
| <input type="checkbox"/>            | Application in an Appeal                        | filed on | /       | /     |
| <input type="checkbox"/>            | Notice Disputing Itemised Cost Accounts         | filed on | /       | /     |
| <input type="checkbox"/>            | Other [specify]                                 | filed on | /       | /     |

- 4 Do you want to discontinue the whole of the application/response/reply/notice of appeal/notice?

**Yes** GO TO PART E

- No** State which parts (orders sought / grounds of appeal) of the application / response / reply / notice of appeal / notice you wish to discontinue. Do this by listing the orders / grounds of appeal by the number used in the application / response / reply / notice of appeal / notice.  
**(Do not set out the orders / grounds of appeal in full)**


## Part D

### Details of discontinuance – migration and general federal law proceedings only

- 5 Which document do you wish to discontinue? .....

Title of application / response / reply / notice of appeal / notice

Date document was filed:

/ /

- 6 Which of the orders you applied for do you want to discontinue?

**All of them** GO TO PART E

- Some of them** State which parts (orders sought / grounds of appeal) of the application / response / reply / notice of appeal / notice you wish to discontinue. Do this by listing the orders / grounds of appeal by the number used in the application / response / reply / notice of appeal / notice.  
**(Do not set out the orders / grounds of appeal in full)**


**Part E** Signature of person filing this notice

Signed	Date
<i>John Smith</i>	31 / 12 / 20XX

This notice was signed by

<input checked="" type="checkbox"/> applicant	<input type="checkbox"/> lawyer for the applicant
<input type="checkbox"/> respondent	<input type="checkbox"/> lawyer for the respondent
<input type="checkbox"/> appellant	<input type="checkbox"/> lawyer for the appellant

This notice was prepared by

<input checked="" type="checkbox"/> applicant	<input type="checkbox"/> lawyer for the applicant
<input type="checkbox"/> respondent	<input type="checkbox"/> lawyer for the respondent
<input type="checkbox"/> appellant	<input type="checkbox"/> lawyer for the appellant

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PRINT NAME AND LAWYER'S CODE

SAMPLE