

## **Federal Court of Australia**

### **Forms and Fees – 1 October 2006**

The Federal Court of Australia Regulations 2004 provide that fees will be payable in accordance with Schedule 1.

It is important to note that the fees may be exempted or waived in certain situations.

The following table is a summary of the relevant parts of the Schedule, with an additional column identifying the forms that may be used.

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
1	<p>Filing of a document by which a proceeding in the Court is commenced, except:</p> <p>(a) a proceeding or application mentioned in item 2 or 3 or 11; or</p> <p>(b) an appeal from a judgment of the Court or of another court; or</p> <p>(c) an application for leave or special leave to appeal; or</p> <p>(d) an incidental proceeding in the course of, or in connection with, a proceeding.</p>	<p>Corporation 1762.00</p> <p>In any other case 735.00</p>	<p>Form 5 Application Form 6 Rule to show cause Form 50A Application for inquiry relating to an election Form 50B Application for inquiry relating to a ballot under Part 2 of Chapter 3 of Schedule 1B to the <i>Workplace Relations Act 1996</i> Form 50C Application for inquiry relating to a ballot under Part 3 of Chapter 3 of Schedule 1B to the <i>Workplace Relations Act 1996</i> Form 55A Notice of appeal from a Tribunal decision by the: Administrative Appeals Tribunal; Superannuation Complaints Tribunal; or Australian Competition Tribunal under the Moomba-Sydney Pipeline System Sale Act 1994. Form 55D Application [tax appeal] Form 55DA Application [departure prohibition appeal] Form 56 Application for an Order of Review under the <i>Administrative Decisions (Judicial Review) Act 1977</i> Form 56A Application under the <i>Migration Act 1958</i> Form 58A Notice of appeal [from Commissioner's decision in intellectual property matters] Form 59 Application [<i>Life Insurance Act 1955</i>] Form 61 Application for determination of compensation under <i>Lands Acquisition Act 1989</i> Form 62 Application for approval under <i>Lands Acquisition Act 1989</i> Form 63 Application to extend time fixed by <i>Lands Acquisition Act 1989</i> Form 64 Application for determination of equitable remuneration under the <i>Circuit Layouts Act 1989</i> Form 65 Application for determination of the terms for the doing of an act in relation to an eligible layout under subsection 25(4) of the <i>Circuit Layouts Act 1989</i> Form 74 Reference of Question as to Qualification or Vacancy (ATSI Act) Form 129 Application under Part IVA of the <i>Federal Court of Australia Act 1976</i> Form 132 Application for registration of judgment under <i>Foreign Judgments Act 1991</i> Form 141 Notice of Appeal from National Native Title Tribunal Form 170 Application for registration of a New Zealand judgment under the <i>Federal Court of Australia Act 1976</i></p>

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
1 [cont]		Corporation 1762.00 In any other case 735.00	<u>Federal Court (Corporations) Rules 2000</u> Form 2 Originating Process  <u>Federal Court (Bankruptcy) Rules 2005</u> Form 2 Application Form 6 Creditor's Petition Form 14 Creditor's Petition for administration of deceased person's estate under section 244 of the <i>Bankruptcy Act 1966</i> Form 15 Administrator's Petition  <u>Native Title (Federal Court) Regulations 1998</u> Form 1 Native title determination application – claimant application Form 2 Native title determination application – non-claimant application Form 3 Revised native title determination application Form 4 Compensation application
2	Filing of an application under section 46PO or 46PP of the <i>Human Rights and Equal Opportunity Commission Act 1986</i> .	50.00	Form 5 and Form 167 Application and claim under HREOC Act alleging unlawful discrimination
3	Filing of an application under section 663 (formerly section 170CP) of the <i>Workplace Relations Act 1996</i> .	The fee payable under subsection 644 (2) or (3) of the <i>Workplace Relations Act 1996</i>	Form 5 and Form 5A Application and claim of Unlawful Termination of Employment
4	Filing of an election petition under Schedule 4 to the <i>Aboriginal and Torres Strait Islander Commission Act 1989</i> .	30.00	Form 73 Election Petition
5	Filing an affidavit or other document originating an application for leave or special leave to appeal.	Corporation 1171.00 In any other case 585.00	Form 20 Affidavit Form 27 Notice of Motion Form 54 Application for leave to appeal

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
6	Filing of a notice of appeal instituting an appeal from a judgment of the Court or another court where no fee has been paid under item 5.	Corporation 2936.00 In any other case 1469.00	Form 55 Notice of Appeal
7	Filing of a notice of appeal instituting an appeal from a decision of the Administrative Appeals Tribunal.	Corporation 2936.00 In any other case 1469.00	Form 55A Notice of Appeal [from Tribunal]
8	Filing of a notice of appeal in a proceeding in relation to which a fee has been paid under item 5.	Corporation 1765.00 In any other case 882.00	Form 55 Notice of Appeal
9	Filing of an application to review a decision of the Registrar under subsection 35A(5) of the Act.	Corporation 718.00 In any other case 359.00	Form 27 Notice of Motion
10	Filing of a notice of motion	Corporation 540.00 In any other case 270.00	Form 27 Notice of Motion  Federal Court (Corporations) Rules 2000 Form 3 Interlocutory Process  Federal Court (Bankruptcy) Rules 2005 Form 3 Interim Application
11	Filing of an application for an order for substituted service of a bankruptcy notice.	Corporation 361.00 In any other case 181.00	Form 5 Application
12	Filing of a cross-claim.	Corporation 1762.00 In any other case 735.00	Form 8 Cross-Claim where Cross-Claim is served before date of Directions Hearing appointed in Application Form 9 Cross-Claim where Cross-Claim is not served before date of Directions Hearing appointed in Application Form 10 Defence and Cross-Claim against a Party [If cross-claim made]

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
13	Setting down fee for hearing a proceeding (including an application, appeal, cross-claim or cross-appeal) or an issue in question in a proceeding.	Corporation 2936.00 In any other case 1469.00	Not applicable
14	For the hearing of an application (including a cross-claim) under subsection 35A(5) of the Act (review of exercise of power of the Registrar) – for each half day or part of a half day.	Corporation 586.00 In any other case 293.00	Not applicable
15	For the hearing of an application (including a cross-claim) other than an application mentioned in item 14., an issue or question in such an application or an appeal (including a cross-appeal) – for each day or part of a day after the first day of hearing.	Corporation 1174.00 In any other case 585.00	Not applicable
16	On request, making of a copy or copies of a document or documents filed in, or lodged with, or produced to, the Court (regardless of the number of documents to which the request relates).	For the request 3.00 For each page included in a copy made in accordance with the request 1.00	Not applicable

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
17	For each service or execution, or attempted service or execution, of the process of the Court by an officer of the Court.	An amount equal to the amount of any expenses reasonably incurred by that officer in the service or execution, or attempted service or execution, of the process of the Court, together with a charge calculated at the hourly rate of salary payable to an officer of the Court for the time involved in the service or execution, or attempted service or execution	Not applicable
18	For the seizure and sale of goods by an officer of the Court in the execution of the process of the Court (except in relation to a proceeding under the <i>Admiralty Act 1988</i> ).	639.00	Not applicable
19	For issuing a subpoena to produce or give evidence.	60.00	Form 41 Subpoena Form 69A Subpoena for production and to give evidence [O69A]
20	For taxation of a bill of costs in which the amount claimed in the bill is \$10,000 or less.	698.00	Not applicable

Schedule Item No.	Document or Service	Fee (as at 1/10/06)	Forms (under Federal Court Rules unless otherwise stated)
21	For taxation of a bill of costs in which the amount claimed in the bill is more than \$10,000.	1674.00	Not applicable
22	For mediation by a court officer – for the first attendance at the mediation.	Corporation 735.00 In any other case 367.00	Not applicable
23	On request, production of files of the Court relating to a proceeding or purported proceeding (unless the request is by, or on behalf of, a party to the proceeding or purported proceeding) for search and inspection.	29.00	Not applicable