Form 48

Rule 26.12(1)

Notice of discontinuance

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[Name of First Applicant]** [if 2 or more add "and another" or "and others"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and another" or "and others"]

Respondent[s]

[Name], the [role of party eg Applicant] discontinues [\*either]the whole of the proceeding [\*or if part of the proceeding, specify part with reference to claim numbers in the relevant application, cross-claim etc].

[\*]Each party consents to the discontinuance.

[\*or]The discontinuance is by consent on the following terms:

1. [specify in numbered paragraphs the terms of the consent].

[\*or] The Court on [date] granted leave to the discontinuance.

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name]  [Insert capacity eg Applicant / Lawyer for the Applicant] |

[\*If the discontinuance is by consent, each party, or the party’s lawyer, must sign the notice of discontinuance. If not by consent, delete this section.]

[\*]Date: [eg 19 June 20..]

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| --- |
| [\*]Signed by [Name]  [Insert capacity eg consenting Respondent / Lawyer for the consenting Respondent] |

[\* Delete if inapplicable]

*Note in relation to costs*

Under rule 26.12(7), unless the terms of a consent or an order of the Court provide otherwise, a party who files a notice of discontinuance under rule 26.12(2) is liable to pay the costs of each other party to the proceeding in relation to the claim, or part of the claim, that is discontinued.