Form 78

Rule 33.31(1); 33.34; 33.40

Notice of discontinuance of [\*appeal / \*cross-appeal]

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

On appeal from the [name of tribunal]

**[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 of First Cross-claimant]** [if 2 or more add "and another" or "and others"]

Cross-claimant[s]

**[Name of First Cross-respondent]** [if 2 or more add "and another" or "and others"]

Cross-respondent[s]

[Name], the [role of party eg \*Applicant / \*Cross-claimant] discontinues the [\*appeal / \*cross-appeal].

[Select one of these 3 options and delete others]  
[\*]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]

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

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

[\* Delete if inapplicable]

*Note in relation to costs*

Under rule 33.31(4), an applicant who files a notice under rule 33.31(1) must, unless the parties otherwise agree, pay the costs of each party to the appeal.