|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Federal Court of Australia**  **Federal Circuit and Family Court of Australia (Division 2)** | |  | | | | |  | **Give Details** | |
| **Application for Deferral of** | | | | |  | **File Number:** | |
| Payment of Court Fees | | | | |  | **File name:** | |
| Federal Court and Federal Circuit and Family Court Regulations 2022 Section 2.15 | | | | |  | **Date filed:** | |
| **Cross boxes, for example** , **where applicable** | | | | | | |  |
|  | |  | | | | |  |  |  |
| **Notice to applicant** | | | | | | | | | |
|  | |  | | | | |  |  |  |
| **Use this form if:**   1. the need to file a document on which a filing fee is payable is so urgent that it overrides the requirement to pay that fee before the document is filed; or 2. having regard to your financial circumstances (or that of the party liable to pay the fee), it would be oppressive or otherwise unreasonable to require you (or that party) to pay a court fee at the time it is required; or 3. you (or the party liable to pay the court fee) are (or is) represented by a lawyer who is not charging you (or that party) in relation to the proceeding   **and** you (or the party liable to pay the fee) want (or wants) to have the time for payment of a court fee deferred.  If your application for deferral is successful, the fee must be paid by the date specified by the Registrar or Authorised Officer or, if a date for payment isn’t specified, within 28 days after the day the payment is deferred.  **You must include with this application all of the information that you believe will satisfy the Registrar or Authorised Officer that payment of the fee should be deferred. You will find in question 3 below advice on some information you must include depending on the type of deferral sought.**  **If you are relying on item b above, you will need to provide some supporting information about your financial circumstances. Depending on your circumstances this might be brief. You can download Statement of Financial Circumstances forms for an individual and a corporation on the Federal Court’s website at** [**www.fedcourt.gov.au**](https://www.fedcourt.gov.au) **or the Federal Circuit and Family Court’s website at** [**https://www.fcfcoa.gov.au/**](https://www.fcfcoa.gov.au/) **or obtain them by asking Registry staff.**  **WARNING**  Under the Criminal Code any person who knowingly makes an untrue representation or statement to obtain a benefit or advantage from the Commonwealth is guilty of an offence and, if found guilty, can be fined or imprisoned. | | | | | | | | | |
| **Details** | | | | | | | | | |
|  | | | | | | | | | |
| 1. Name and address |  | family name (surname) or corporation etc name | |  | | given names | | | |
|  | | | | | | | | |
|  | Address       postcode       tel  Email | | | | | | | |
| 1. Court and fee type | **Federal Court**  **Federal Circuit and Family Court (Division 2)**  [Fees for production of files, copying of documents, service and execution and seizure and sale of goods cannot be deferred] | | | | | | | | |
| Filing fee | | | | Setting down fee | | | | |
| Hearing fee | | | | Fee for taxation of a bill of costs (Federal Court only) | | | | |
| Mediation fee | | | | Other fee | | | | |
| 1. Reasons for deferral   (Attach an extra page or pages if you need more space or a completed Statement of Financial Circumstances if necessary) | Basis for seeking deferral:  Urgent need to file a document *(Set out below brief reasons for urgency and particulars of when you [or the party liable to pay the fee] will be able to pay the court fee)*  Financial circumstances such that it would be oppressive or otherwise unreasonable *(Set out details of your financial circumstances [or those of the party liable to pay the fee], including current employment, income, expenses, assets and liabilities. Usually this is best done by attaching a* ***Statement of Financial Circumstances****. Where possible provide documentary evidence to support general claims (for example a letter from a charitable organisation to verify that its assistance is the sole means of support) Also provide brief particulars of when you [or the party liable to pay the fee] will be able to pay the court fee)*  Represented by lawyer who is not charging you (or person liable to pay the fee) in relation to the proceeding *(Statement by lawyer on page 2* ***must*** *be completed)*  *Supporting information:*    *Continue over if required* | | | | | | | | |
| *Continued where required* |  | | | | | | | | |
|  |  | | |  | | | |  |  |
| **Signature** | | | | | | | | | |
|  | |  | |  | | | |  |  |
| **Date** / / | | | | | | | | | |
|  | | | | | | | | | |
| **Statement by Lawyer Who is Not Charging in Relation to the Proceeding** | | | | | | | | | |
| I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, *(name of lawyer)* state that I am representing \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(party)* in the proceeding in which this deferral is sought and am not charging that party in relation to that proceeding.  **Signature of lawyer**        **Date**      /     / | | | | | | | | | |
|  | | | | | | | | | |
| **Court Use Only**  **DECISION** | | | | | | | | | |
| I approve the application for deferral of court fees in this matter on the ground that:  The need to file a document on which a filing fee is payable is so urgent that it overrides the requirement to  pay that fee before the document is filed;  Having regard to the financial circumstances of the party liable to pay the fee, it would be oppressive or  otherwise unreasonable to require payment of the court fee at the time required under the Regulation;  The party liable to pay the fee is represented by a lawyer who is not charging that party in relation to the  proceeding.  The fee(s) of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ must be paid on or before  **/ / .**  I do not defer payment of the court fees. Attached are the reasons for this decision. **[Note: if refused, attach completed reasons]**  **NOTE TO APPLICANT IF DEFERRAL REFUSED: Subject to the *Administrative Review Tribunal Act 2024* (Cth), application may be made to the Administrative Review Tribunal for review of this decision not to defer the payment of court fees within 28 days of the date of this decision (see section 2.21 of the *Federal Court and Federal Circuit and Family Court Regulations 2022*).**  **Signature**       **Date**      /     /  **Registrar/Authorised Officer** [cross out incorrect one] | | | | | | | | | |
|  | | | Authorised by Principal Registrar FCFCOA/General Counsel FCA 14/10/24 | | | | | | |