Form 76

Rules 33.20(2); 33.34; 33.40

Notice of cross-appeal from a tribunal

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/others] named in the schedule"]

Applicant[s]

**[Name of First Respondent]** [if 2 or more add "and [another/others] named in the schedule"]

Respondent[s]

To the Applicant

The Respondent cross-appeals from the decision as set out in the notice of appeal.

Date:

|  |
| --- |
| Signed by an officer acting with the authority of the District Registrar |

In the notice of appeal filed by the Applicant in the proceeding, the Applicant appealed from the decision or determination of [name of Tribunal below] given on [date] at [place].

The Tribunal decided or determined [specify decision or determination appealed from].

The Respondent cross-appeals from [give details of the part of the decision appealed from or which you contend should be varied].

**Questions of law**

1. [specify the precise question or questions of law to be rasied on the cross-appeal].
2.

[\*Delete this section if you are not asking the Court to make findings of fact. The Court can make findings of fact only in limited circumstances— see subsections 177(1) & (2)) of *Administrative Review Tribunal Act 2024* (Cth)]

**Findings of fact that the Court is asked to make**

1. [specify each finding].
2.

**Orders sought**

1. [state the relief sought instead of the decision appealed from or the variation of the decision that is sought]
2.

**Grounds relied on**

1. [state briefly but specifically, the grounds relied on in support of the relief or variation sought]
2.

**Respondent’s address**

The Respondent’s address for service is:

Place: [see rule 11.01]

Email:

The Respondent’s address is [if the Respondent is an individual - place of residence or business; if the Respondent is a corporation - principal place of business].

**Service on the Applicant**

[Select one of these 3 options and delete others]
[\*]It is intended to serve this notice of cross-appeal on all Applicants.

[\*or]It is intended to serve this notice of cross-appeal on the following Applicants:

[name of each Applicant on whom notice of cross-appeal is to be served]

[\*or]It is not intended to serve this notice of cross-appeal on any Applicant.

Date: [eg 19 June 20..]

|  |
| --- |
| Signed by [Name][Insert capacity: Respondent / Lawyer for the Respondent] |

[\*Delete this section if this is not migration litigation - rule 8.04]
**Certificate under section 486I of the Migration Act 1958**

For the purposes of section 486I of the *Migration Act 1958,* I [name of lawyer] certify that there are reasonable grounds for believing that this migration litigation (within the meaning of section 486K of that Act) has a reasonable prospect of success.

Date:

|  |
| --- |
| Signed by [Name of lawyer] |

*Note*

Rule 33.20(4) provides that the Respondent must serve a copy of the notice of cross-appeal on each other party to the proceeding and the Registrar of the Tribunal.

[\* If more than one applicant, respondent, cross-claimant or cross-respondent, insert names of the second, third, fourth etc as required in this schedule. Delete schedule if not required.]

**Schedule**

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

[\*]**Applicants**

Second Applicant: [Name]

[\* etc]

[\*]**Respondents**

Second Respondent: [Name]

[\* etc]

[\*]**Cross-claimants**

Second Cross-claimant: [Name]

[\* etc]

[\*]**Cross-respondents**

Second Cross-respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]