



APPLICATION BY AN INDIVIDUAL FOR FEE EXEMPTION OR WAIVER

*(Federal Court of Australia Regulations 2004/Family Law Regulations 1984/Federal Magistrates
Regulations 2000)*

- Federal Court of Australia**
- Family Court of Australia**
- Federal Magistrates Court of Australia**

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.

- **Cross boxes where applicable. Type or print clearly.**
- **Attach an extra page if you need more space for any of the details requested**
- **All details requested must be completed**

*NOTE: Waivers and exemptions only apply to court fees and **do not** apply to fees to serve documents on a person*

Notice to applicant

This form is used where you are eligible for an exemption from paying the fee or a waiver of the fee on the basis that payment of it would cause you financial hardship.

For approval for a fee to be waived (set aside) you will need to show that your income, day-to-day living expenses, liabilities and assets are at such a level that payment of the fee would cause you financial hardship.

When you are applying for the waiver of the fee on the basis of financial hardship, you must complete and attach to your application a Statement of Financial Position form. Please note that the Statement of Financial Position form includes an affidavit.

In considering your application the Court may ask you to provide documentary evidence to support your claim. In this case your application will be returned to you with instructions in the 'Notice of request for more information' on page 2.

If you are applying for a filing fee to be waived, then this form must be lodged at the same time as the application being filed.

If you are applying for a hearing fee to be waived, then this form must be lodged once the hearing date is set. Your hearing date will be set at either a court hearing or conference.

A waiver is valid only for the fee you are applying to have waived. If a further fee is payable that was not included in the initial application, you will need to make another application.

A client number field has been included in the personal details section but is only applicable for certain courts. This number is not essential and need only be provided if you know your client number.

Please remove this top sheet before submitting your application.



APPLICATION BY AN INDIVIDUAL FOR FEE EXEMPTION OR WAIVER

*(Federal Court of Australia Regulations 2004/Family Law Regulations 1984/Federal Magistrates
Regulations 2000)*

Tick which court

- Federal Court of Australia**
 Family Court of Australia
 Federal Magistrates Court of Australia

FILE NUMBER: _____

FILE NAME: _____

CLIENT NUMBER (IF APPLICABLE): _____

DATE FILED: _____

A. **PERSONAL DETAILS**

1. **Full name:** _____

2. **Street Address:** see note below _____

Suburb: _____ Postcode: _____

and/or
Postal Address

Suburb: _____ Postcode: _____

3. **Occupation:** _____

4. Name of Employer (if applicable) _____

5. Work Address (if applicable) _____

6. **Day time contact number:** Home: _____ Mobile: _____

Work: _____

Facsimile: _____

Email address: _____

Items marked in **bold** must be completed

Note: You need not disclose your residential/personal address if you are concerned that doing so may compromise your safety. You may include an address that, if documents are sent to that address, you will be made aware that documents have been received and be able to retrieve them.

B. TYPE OF FEE TO BE WAIVED OR EXEMPTED

Type of Fee	Amount of Fee
<input type="checkbox"/> All fees that may be payable in the proceeding	\$ _____
OR	
<input type="checkbox"/> Filing fee on commencing application or appeal	\$ _____
<input type="checkbox"/> Response	_____
<input type="checkbox"/> Filing fee on Notice of Motion (Federal Court only)	\$ _____
<input type="checkbox"/> Setting down fee	\$ _____
<input type="checkbox"/> One off hearing fee	_____
<input type="checkbox"/> Daily hearing fee (Federal Court only)	\$ _____
<input type="checkbox"/> Subpoena (Federal Court only)	\$ _____
<input type="checkbox"/> Searching a file (Federal Court only)	\$ _____
<input type="checkbox"/> Other (<i>Please specify</i>)	\$ _____

C. GROUNDS FOR EXEMPTION / WAIVER

- (a) I have been granted Legal Aid for the current proceedings **[Please attach letter from legal aid]**
- (b) I have been granted assistance under Part 11 of the *Native Title Act 1993* for the proceeding by:-
(not Family Court)
 - a representative body; or **[Please attach letter of confirmation]**
 - a person or body to whom money has been granted under section 20FE of that Act for the purpose of enabling the person or body to perform some or all of the functions of a representative body **[Please attach letter of confirmation]**
- (c) I am the holder of at least one of the following cards **[Please attach a photocopy of both sides of the card]**:-
 - a health care card;
 - a health benefit card
 - a pensioner concession card;
 - a Commonwealth Seniors health card;
 - another card issued by the Department of Family and Community Services (Not Family Court), Centrelink or the Department of Veterans' Affairs that certifies entitlement to Commonwealth health concessions; or
- (d) I am an inmate of a prison or am otherwise lawfully detained in a public institution; or
- (e) I am a child under the age of 18 years **[Please attach photocopy of birth certificate]**, or
- (f) I am in receipt of Youth Allowance or Austudy **[Please attach photocopy of entitlement letter]**, or
- (g) I am in receipt of ABSTUDY **[Please attach photocopy of entitlement letter]**, or
- (h) The payment of the fee would cause me to suffer financial hardship having regard to my income, day-to-day living expenses, liabilities and assets. **[Please attach the court's "statement of financial position – individual" form and documents in support].**

Statement of Truth

[Before signing, you must read and take note of this statement]

To the best of my knowledge and belief the information I have set out in this document is true and that, where any estimate is given, it is given in good faith and the documents I have provided to support my application are true copies of the original. I have read and understand the warning set at the beginning of the document. I will notify the Court if there are any changes to my circumstances that alter the information given above while the Federal Court, Family Court or the Federal Magistrates Court (as the case may be) is dealing with my case.

Signature: _____ Date: _____

For Court Use Only

DECISION ON APPLICATION FOR FEE EXEMPTION OR WAIVER

Decision on claim for exemption / waiver of fees

I exempt / waive payment of fees.

*I do not exempt / waive payment of fees.
Reason for refusal:*

.....
.....
.....
.....
.....
.....

Date:

.....
Registrar / An officer acting with the authority of the (District) Registrar
Authorised Officer
[Cross out incorrect one]

NOTE TO APPLICANT: Subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of a decision not to waive payment of fees on the grounds of financial hardship within 28 days of the date of this decision (See regulation 16(1) of the Federal Court of Australia Regulations 2004, regulation 16A of the Family Law Regulations 1984 and regulation 13 of the Federal Magistrates Regulations 2000).

STATEMENT OF FINANCIAL POSITION – INDIVIDUAL

In support of Application for Deferral or Waiver of Fees

(Federal Court of Australia Regulations 2004/Family Law Regulations 1984/Federal Magistrates Court Regulations 2000)

Tick which court

- Federal Court of Australia**
- Family Court of Australia**
- Federal Magistrates Court of Australia**

This form is to be completed and attached to the application by an individual for a fee waiver on the basis of financial hardship.

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.

FILE NUMBER: _____

FILE NAME: _____

CLIENT NUMBER (IF APPLICABLE): _____

DATE FILED: _____

1. **Full name:** _____

2. **Street Address:** see note below _____

Suburb: _____ Postcode: _____

and/or :

Postal Address

Suburb: _____ Postcode: _____

Items marked in **bold** must be completed

Note: You need not disclose your residential/personal address if you are concerned that doing so may compromise your safety. You may include an address that, if documents are sent to that address, you will be made aware that documents have been received and be able to retrieve them.

A. DETAILS OF INCOME

1. The details of my and my dependants' (if any) income (including government pensions, benefits and allowances, workers' compensation, superannuation, rent, board, interest, dividends), calculated fortnightly, are as follows *[if no other income, write "nil" below]:*
[Generally, dependants are persons who rely on you or on whom you rely for financial support and included spouse, de facto partner and children]

Nature of Income	My amount	My dependants' amount
Fortnightly pay (after tax)	\$	
Government pension, benefit or allowance (please specify)	\$	
Workers' compensation	\$	
Superannuation received	\$	
Interest on deposits/debentures	\$	
Child support, spousal and child maintenance	\$	
Other income (eg rent or board paid to you, share dividends)	\$	
TOTAL	\$	

Please note you may be asked to provide documentary evidence to support your claim.

2. The full name of each of my dependants is:

Full Name	Relationship to me

3. I receive financial support or a financial contribution from family and others, calculated fortnightly, as follows *[if no financial support or contribution write "nil" below]:*

Name of person providing support	Nature of support	Value in \$ per fortnight
		\$
		\$
TOTAL		\$

B. PROPERTY AND ASSETS

["Property and assets" include land, houses, money in bank accounts and other investments, cars, boats, shares, moneys owed to you, interests in a deceased estate, interests in a trust. If any property or asset is owned jointly with someone other than a dependant, give the name of the other owner.]

4. My property and assets (other than bank accounts) are as follows *[if no assets write "nil" below]:*

	My details (my share/interest)	My dependants' amount
1. Liquid Assets (other than bank accounts)		
Cash (not in a bank account)	\$	
Other investments (eg shares, debentures, bonds)	\$	
Money owed to you	\$	
Sub total - liquid assets	\$	
2. Non-liquid Assets		
House / Land		

- Market value	\$		
- Amount of Mortgage	\$		
- Net value		\$	
Motor Vehicle			
- Market value	\$		
- Amount owing on vehicle	\$		
- Net value		\$	
Value of household furniture and electrical goods		\$	
Other assets		\$	
Interest in a trust, business or partnership		\$	
Sub total – non-liquid assets		\$	
TOTAL of property and assets		\$	

5. Money in bank, credit union, building society accounts and other financial institutions in my name or that of my dependants'

Account Name	Name of Bank	Amount in account
		\$
		\$
		\$
	TOTAL	\$

Please note you may be asked to provide documentary evidence to support your claim.

C. EXPENSES

6. My day-to-day living expenses (including living expenses of my dependants that are normally paid by me), calculated fortnightly, are as follows:

Nature of Expense	\$ per fortnight	Nature of Expense	\$ per fortnight
Rent / Board		Gas/electricity/other utilities	
Mortgage repayments		Telephone	
Other loan repayments		Health care	
Council / Water rates		Child care	
Insurance premiums		Education	
Food		Other:	
Clothing		Other:	
Spouse/Child maintenance		Other:	
Travel and motor vehicle		Other:	
Total of Column 1	\$	Total of Column 2	\$
Total of Column 1 and Column 2		\$	

Please note you may be asked to provide documentary evidence to support your claim.

D. LIABILITIES

["Liabilities" include outstanding mortgages, credit card debts, other moneys owed by you. *If any liabilities are owed jointly with someone other than a dependant, give the name of the other person.*
[if no liabilities write "nil" below]

7. My liabilities are as follows:

	My details	My dependants' details
Amount owing on my mortgage	\$	\$
Amount owing on other loans	\$	\$
Credit card		
- Amount owing	\$	\$
- Limit of the card	\$	\$
Amount owing to any businesses or individuals (please include details of each liability)	\$	\$
Other, please specify		
TOTAL amount owing	\$	\$

Please note you may be asked to provide documentary evidence to support your claim.

E. ADDITIONAL INFORMATION

[Please set out any other information concerning your financial position which you believe will help the Registrar decide your request for a fee waiver]

AFFIDAVIT

IN THE FEDERAL COURT OF AUSTRALIA

(insert location of Registry) **REGISTRY**

No: *(insert file no)* of *(insert year)*

IN THE MATTER OF

.....
(Name of debtor or corporation)
(to be completed in bankruptcy and corporation proceedings - otherwise, delete)

.....
Applicant(s)

.....
Respondent(s)

AFFIDAVIT

(Form 20)
(Order 14 rule 2)

On..... *(insert date and year)*, I,,
(insert name, address and occupation)

of.....
.....
.....

say on oath/affirm -

1. I understand the English language and the [] language well.

*(Note: The following signature block bounded by two horizontal lines must appear at the **foot of the first page of the document**. After completion of the document, please cut and paste the signature block as required so that it is correctly located.)*

Filed by the Applicant

Name:

DX:

Address for service:

Telephone:

Facsimile:

Ref:

2. I truly interpreted the contents of the affidavit annexed and marked "A" to the deponent(*name*) and the form of oath/affirmation administered to him/her before he/she swore/affirmed the affidavit, according to the best of my skill and ability.

3. The deponent(*name*) appeared to me to understand the contents of the affidavit and the oath/affirmation.

Sworn/affirmed at.....}
.....}
before me:.....}
(Justice of the Peace)

Version 1



Form 20: Affidavit (Modified to include heading, signature block and filing party's details as required by Order 41 of the Federal Court Rules)

Version: 2

Rule: Order 14, rule 2

Use: Documents prepared using Form 20 are called affidavits. You should use an affidavit when you want to put facts or evidence before the Court. An application can be accompanied by an affidavit when it is first filed (for more information about preparing an affidavit in support of an application see the Guide to [Form 5](#)). The Court will often direct the parties to file and serve affidavits containing all the facts that a party wishes the Court to consider. There are separate affidavits that need to be used when the deponent is non-English speaking.

Filing fee: nil (unless it is filed for the purpose of applying for leave or special leave to appeal, in which case for a corporation \$1250, in any other case \$625.00)

Guide to Form 20

Please read this guide and the form carefully. As a party to the proceeding, you are responsible for making sure all your paperwork is in order. Although the Court's Registry staff can check your forms and other court papers for completeness (for example, they check for signatures,

and that attachments are present and signed by an authorised person within your State or Territory) and give you information about the Court's procedures, they can not give you legal advice and they are not responsible for the accuracy of your documents.

When should you use Form 20?

Documents prepared using Form 20 are called affidavits. You should use an affidavit when you want to put facts or evidence before the Court. An application is usually accompanied by an affidavit when it is first filed (for more information about preparing an affidavit in support of an application see the Guide to Form 5).

The Court will often direct the parties to file and serve affidavits containing all the facts that a party wishes the Court to consider.

Long affidavits

An affidavit which is longer than 30 pages (including annexures) must include a table of contents.

When the deponent does not speak English

A non-English-speaking deponent who swears an affidavit through an interpreter must use the Form 20 (NES Deponent). This affidavit should be accompanied by a second affidavit sworn by the interpreter which is Form 20 (Interpreter).

How to make an affidavit

You can get a copy of Form 20 from the Registry or download a copy from the Court's website.

Please read all of these notes before you begin completing the affidavit form. If the affidavit and annexures will be longer than 30 pages then use the Form 20 which has a table of contents.

Heading

In the spaces provided, write:

- the Court file number (if known)
- the name of the applicant in the proceeding
- the name of the respondent in the proceeding.

These should be the same names as those in the application form.

Table of Contents

Where the affidavit (including any annexures) is longer than 30 pages, a table of contents is required.

The contents table requires a brief description of the documents comprising the affidavit and annexures. For each annexure the number of the paragraph which first refers to the annexure must be stated along with the number of the page for the annexure.

The contents page does not require a list of the matters deposed in the affidavit or the matters contained in the annexures.

The start of the affidavit

In the spaces provided, write:

- the date on which the affidavit is being made
- the full name, address and occupation of the person making the affidavit.

The person making the affidavit is called the deponent.

The main part ('body') of the affidavit

The Court's rules about the requirements for affidavits are set out in Order 14. There are special rules that apply where the deponent cannot read or is blind.

The body of the affidavit must set out the facts or statements known by the person making the affidavit. This means that the affidavit must be written in the first person: that is, using words such as "I saw", "I prepared", "I went", "I found" etc. The statements must be made in numbered paragraphs. There is no limit to the number of paragraphs contained in an affidavit. Each paragraph should deal with a separate issue.

If the affidavit refers to a document then a copy of that document may be annexed (attached) to the affidavit. Each annexed document must be marked with a letter (eg "A" for the first annexure, "B" for the second annexure, and so on), and must include the following annexure note which can be handwritten on the first page of the annexure:

" This and the following [insert number of pages] pages is the annexure marked "A" in the affidavit of [insert name of person making the affidavit] sworn before me on[insert name of person witnessing affidavit and date including year].

Signed: "

The person witnessing the affidavit must sign every annexure note.

Signing the affidavit

Do not sign the affidavit straight away.

The person making the affidavit must first take an oath or make an affirmation in front of a solicitor or Justice of the Peace. Only after the oath or affirmation has been taken can the affidavit be signed. The solicitor or Justice of the Peace must then also sign and date the affidavit and any annexures to it.

If the affidavit is more than one page, then the person making the affidavit and the solicitor or Justice of the Peace must sign each page.

Filing details

Under the horizontal line on the first page of the affidavit, write:

- your name
- your address for service, telephone number and facsimile number (if any).

Note: your address for service is an address to which the Court or the respondent can deliver or send letters or documents to you. The address must be in Australia. The address must be a street address and cannot be a Post Office Box.

(August 2007)