Form 50

Rule 28.14(2)

Originating application for order in terms of arbitration award

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[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 Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing**: [Registry will insert time and date]

**Place**: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

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

**Order sought**

On the grounds stated in the accompanying affidavit, the Applicant applies for an order in the terms of an arbitration award under rule 28.14(1).

The matter has not been referred to an arbitrator by the Court but the Applicant claims that the matter is a matter in which the Court has original jurisdiction.

[State briefly but specifically, the orders sought]

**Accompanying documents**

This application must be accompanied by:

1. a copy of the arbitration agreement;
2. a copy of the award;
3. an affidavit stating:
	1. the material facts demonstrating why the Court has original jurisdiction in the matter that is the subject of the award;
	2. the extent to which the award has not been complied with, at the date this application is made; and
	3. the usual or last-known place of residence or business of the person against whom it is sought to enforce the award or, if the person is a company, the last known registered office of the company.

**Applicant’s address**

The Applicant’s address for service is:

Place: [see rule 11.01]

Email:

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

**Service on the Respondent**

[Select one of these 3 options and delete others]
[\*]It is intended to serve this application on all Respondents.

[\*or]It is intended to serve this application on the following Respondents:

[name of each Respondent on whom application is to be served]

[\*or]It is not intended to serve this application on any Respondent.

Date: [eg 19 June 20..]

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

[\*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] |

[\* If more than one applicant or 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]

Date:

[\*delete if inapplicable]