Form 54

Rule 28.46(1)

Application for a subpoena under
the International Arbitration Act 1974

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: [Division]

**[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]

To [each party who may be affected by the application]

The [role of party eg Applicant] applies for the interlocutory orders 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.

**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:

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

**Orders sought**

The [role of party eg Applicant], being a party to an arbitral proceeding commenced in reliance on an arbitration agreement, applies to the Court to issue a subpoena under section 23(3) of the *International Arbitration Act 1974*.

**Accompanying documents**

This application must be accompanied by:

1. a draft subpoena in accordance with form 55A, 55B or 55C;
2. an affidavit stating the following:
	1. the parties to the arbitral proceeding;
	2. the name of the arbitrator conducting the arbitral proceeding;
	3. the place where the arbitral proceeding is being conducted;
	4. the nature of the arbitral proceeding;
	5. the terms of the permission given by the arbitral tribunal for the application;
	6. the conduct money (if appropriate) to be paid to the addressee; and
	7. the witness expenses payable to the addressee.

**Service on the [role of party eg Respondent]**

[Select one of these 3 options and delete others]
[\*]It is intended to serve this application on all [role of party eg Respondent]s.

[\*or]It is intended to serve this application on the following [role of party eg Respondent]s:

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

[\*or]It is not intended to serve this application on any [role of party eg Respondent]s.

Date: [eg 19 June 20..]

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

[\* Delete if inapplicable]