Form 58

Rule 28.49

Originating application to enforce an award under section 35(4)
of 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/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 [each party who may be affected by the application]

The Applicant applies for the 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.

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 |

**Orders sought**

The Applicant, being a party to an arbitral proceeding, applies to the Court to enforce an award under section 35(4) of the *International Arbitration Act 1974.*

**Accompanying affidavit**

This application must be accompanied by an affidavit stating:

1. the extent to which the award has not been complied with, at the date the application is made; and
2. 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 [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..]

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

[\* 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]