Form 82

Rule 34.06(1)

Rule to show cause - Originating application

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]

**Order**

Judge:

Date of order:

Where made:

The Court [\*either]orders [\*or]declares that:

[Name of Respondent] appear before the Federal Court of Australia at the time and place stated below to show cause why the orders sought in the details of claim should not be made.

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 that entry is stamped:

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

**Details of claim**

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

1. [Specify in numbered paragraphs all final relief you seek. If you seek relief under a provision of an Act, state the Act and the provision under which the relief is claimed. If you seek an injunction or declaration, give details of the order you seek. If you seek exemplary damages, give details of the claim for exemplary damages. The originating application need not include a claim for costs.]
2.

**Accompanying affidavit**

This application must be accompanied by an affidavit stating the following:

1. for an application made under section 163 of the *Fair Work (Registered Organisations) Act 2009*:

(a) the rule, or part of the rule, of the organisation that is alleged to contravene section 142 of the *Fair Work (Registered Organisations) Act 2009*;

(b) the ground on which the rule, or part of the rule, is alleged to contravene the section;

(c) the facts and other reasons relied on by the applicant in support of the application;

1. for an application made under section 164 of the *Fair Work (Registered Organisations) Act 2009*:

(a) the nature of the order sought by the applicant;

(b) each rule of the organisation the applicant seeks to have performed or observed by a person who is under an obligation to perform or observe the rule;

(c) the ground relied on by the applicant to establish the obligation of the person to perform or observe the rule;

1. for an application under section 164A of the *Fair Work (Registered Organisations) Act 2009*:

(a) the nature of the order sought by the applicant;

(b) each rule of the organisation the breach of which the application seeks to rectify;

(c) the facts and other reasons relied on by the applicant in support of the application;

1. for an application under section 167 of the *Fair Work (Registered Organisations) Act 2009*:

(a) the nature of the order sought by the applicant;

(b) each rule of the organisation on which the application is based;

(c) the facts and other reasons relied on by the applicant in support of the application.

[\*Delete this section if you do not claim interlocutory relief]
**Claim for interlocutory relief**

The Applicant also claims interlocutory relief.

1. [Specify in numbered paragraphs all interlocutory relief you seek.]
2.

**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] |

[\* 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]