Form 101

Rules 34.73; 34.74; 34.75; 34.76

Originating application under the Trans-Tasman Proceedings Act

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 |

**Details of application**

The [role of party eg Applicant], applies under:

[Select one of the following options and delete others]

[\*]section 73(3) of the *Trans-Tasman Proceedings Act 2010* for an extension of the time within which to give notice of the registration of a NZ judgment (rule 34.73)

[\*]section 72(1) of the *Trans-Tasman Proceedings Act 2010* to set aside the registration of a NZ judgment (rule 34.74)

[\*]section 76(1) of the *Trans-Tasman Proceedings Act 2010* for a stay of the enforcement of a registered NZ judgment, so that a liable person can appeal the judgment (rule 34.75)

[\*]section 76(3) of the *Trans-Tasman Proceedings Act 2010* for an extension of the time within which to apply for the stay of enforcement of a registered NZ judgment, so that the liable person can appeal the judgment (rule 34.76)

**Accompanying affidavit**

This application must be accompanied by an affidavit stating:

1. (for an application made under rule 34.75 or 34.76) the order sought;
2. briefly but specifically, the grounds:
   1. relied on in support of the application (rules 34.73 and 34.76); or
   2. relied on in support of the order sought (rule 34.75); or
   3. on which the registration of the judgment should be set aside (rule 34.74);
3. the material facts relied on in support of the application; and
4. (for an application made under rule 34.73) why notice was not given within time; and
5. (for an application made under rule 34.76) why the application was not made within time.

[\*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.]

[\*Delete this section if this is not a representative action]  
**Representative action**

The Applicant sues in a representative capacity. [Give details].

**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]