Form 110

Rule 34.117(1)

Referral of question about whether a party should cease to be a party under section 94J of the Native Title Act 1993

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 [party to whom the referral relates]

[Name] applies for the relief set out in this application.

The Court will hear this application at the time and place stated below. If you or your lawyer do not attend, 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]

Date:

|  |
| --- |
| An officer acting with the authority of the District Registrar |

**Person referring the question**

[Title eg Mr, family name and given names] of [address including postcode], being a person conducting a mediation, has referred the question of whether a party should cease to be a party pursuant to section 94J of the *Native Title Act 1993.*

**Party to whom referral relates**

[Title eg Mr, family name and given names] of [place of residence or business]

The agent, representative or lawyer for the party is:

[Name], whose address for service is:

Place: [see rule 11.01]

Email:

Relationship to party:

**Facts giving rise to the referral**

[state briefly but specifically the facts giving rise to the referral]

State the interest in the proceeding which formed the basis for joining the party to the proceeding:

State the basis for the view that the party does not have a relevant interest in the proceeding:

**Orders sought**

1. [State the orders sought from the Court]
2.

**Accompanying documents**

1. [Give details of each accompanying document. Rule 34.117 requires the application to be accompanied by all documents that are necessary to enable the Court to consider the question raised by the referral].
2.

**Person’s address**

The person’s address for service is:

Place: [see rule 11.01]

Email:

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

**Service**

It is intended to serve this application on each of the following persons:

The [Registrar]

[name of party to whom the referral relates]

[name of applicant in the main application]

[each State and Territory that has jurisdiction over the area to which the main application arises.]

Date:

|  |
| --- |
| Signed by [Name] |

[\* If more than one applicant, respondent, cross-claimant or cross-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]

[\*]**Cross-claimants**

Second Cross-claimant: [Name]

[\* etc]

[\*]**Cross-respondents**

Second Cross-respondent: [Name]

[\* etc]

Date:

[\*delete if inapplicable]