

Form 6.30

Trans-Tasman proceedings— originating application— enforcement of New Zealand judgment

Court Procedures Rules 2006

(see r 6870 (1) (Trans-Tasman proceedings—application for extension of time to give notice of registration of NZ judgment); r 6871 (1) (Trans-Tasman proceedings—application to set aside registration of NZ judgment); r 6872 (1) (Trans-Tasman proceedings—application for stay of enforcement of registered NZ judgment); r 6873 (1) (Trans-Tasman proceedings—application for extension of time to apply for stay of enforcement of registered NZ judgment))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)

Plaintiff

(name)

Defendant

Take notice that the Court will hear an application by the (*state capacity, eg plaintiff/defendant and name of person making application*) on (*date*), at (*time*) (or as soon after that as this application can be heard), to make the following orders:

1 an order (*insert one of the following options and delete others*);

Filed for the *[plaintiff/defendant] by:

(*the person's address for service and telephone number (if any) or, if the person is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

*[for an extension of the time within which to give notice of the registration of a NZ judgment under the *Trans-Tasman Proceedings Act 2010* (Cwlth), section 73 (3) (r 6870)

to set aside the registration of a NZ judgment under the *Trans-Tasman Proceedings Act 2010* (Cwlth), section 72 (1) (r 6871)

for a stay of the enforcement of a registered NZ judgment, so that a liable person can appeal the judgment under the *Trans-Tasman Proceedings Act 2010* (Cwlth), section 76 (1) (r 6872)

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, under the *Trans-Tasman Proceedings Act 2010* (Cwlth), section 76 (3) (r 6873)]

2 any other orders that the Court considers appropriate.

Grounds of application

The orders are sought on the grounds stated in the affidavit of (*name*)

*[sworn/affirmed] on (*date*).

(The affidavit must state the following:

- (a) (for an application made under r 6872 or r 6873) the order sought;*
- (b) briefly but specifically, the grounds:*
 - (i) relied on in support of the application (r 6870 and r 6873); or*
 - (ii) relied on in support of the order sought (r 6872); or*
 - (iii) on which the registration of the judgment should be set aside (r 6871);*
- (c) the material facts relied on in support of the application;*
- (d) (for an application made under r 6870) why notice was not given within time;*

(e) *(for an application made under r 6873) why the application was not made within time.)*

Plaintiff

(if the plaintiff is an individual)

Full name:

*[Home/Business] address:

(if the plaintiff is a corporation)

Name:

(if the corporation is a company or a registered body within the meaning of the Corporations Act 2001 (Cwlth))

*[Australian Company Number/Australian Registered Body Number]:

Type of body:

Address of *[registered office/public officer]:

*Representative capacity in which plaintiff sues:

**(if the plaintiff is represented by a solicitor)*

Solicitor's full name:

(if the solicitor practises in a firm of solicitors)

*Solicitor's firm:

Solicitor's full business address:

Solicitor's telephone no:

*Name, address and telephone no of solicitor's agent:

Address for service of documents

(set out plaintiff's address for service)

(if represented by a solicitor the following information may be given)

*Document exchange box no:

(if postal address different from address for service)

*Postal address:

*Email address:

***Defendant**

*Representative capacity in which defendant is sued:

Date:

(signature of plaintiff or plaintiff's solicitor)

(name of plaintiff or plaintiff's solicitor)

**omit if, or whichever is, inapplicable*

Notice to defendant

Before taking any further steps in this proceeding, you must file a notice of intention to respond in the Court.

If you do not attend the Court at the time this originating application is listed for hearing, either in person or by a lawyer—

- this application may be heard in your absence; or
- default judgment may be entered, or an order made, against you.