

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
<p>Hearing Date and Time:</p> <p>Hearing Location:</p>

ORIGINATING APPLICATION – ARBITRATION LEAVE TO APPEAL AGAINST AWARD

[SUPREME/ENVIRONMENT, RESOURCES AND DEVELOPMENT] COURT OF SOUTH AUSTRALIA
 CIVIL JURISDICTION
 [NAME OF LIST] LIST if applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor <small>if any</small>	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	[.....] Sheriff service requested for this Respondent If requested mark with an 'x'		

Duplicate panel if multiple Respondents

Interested Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Service	[.....] Sheriff service requested for this Interested Party If requested mark with an 'x'		

Duplicate panel if multiple Interested Parties

Application Details

Mark appropriate sections below with an 'x'

Matter Type:

This Application is by a party to an arbitration agreement for leave to appeal on a question of law arising out of an award.

This Application is made under section 34A of the Commercial Arbitration Act 2011.

The relevant part of the award that the question of law relates to is: *[text of relevant part]*

The appeal is against the *[whole/the following part]* of the award: *[text of relevant part]*

The question of law is *[succinct question of law]*

The grounds for leave to determine the question of law are:

Grounds in separate numbered paragraphs.

1.

The grounds of appeal are:

Grounds in separate numbered paragraphs.

1.

The Applicant seeks the following orders:

1. An order granting leave to appeal on a question of law.
2. An order that the appeal be allowed and *[orders sought on the appeal if leave is granted]*
3. *[any other orders sought]*

This Application is made on the grounds set out in the accompanying affidavit sworn by *[name]* on *[date]*.

The Affidavit must:

- (a) exhibit a copy of the arbitration agreement, a copy of the award, including the reasons of the arbitral tribunal for the award, and evidence of the consent of all other parties that an appeal may be made; and
- (b) identify the name and usual or last known place of residence or business of any person whose interest might be affected by the proposed determination of the question of law or, if the person is a company, the last known registered office of the company; the nature of the dispute with sufficient particularity to give an understanding of the context in which the question of law arises; where in the award and how the arbitral tribunal determined the question of law or when and how the arbitral tribunal was asked to determine the question of law; the relevant facts found by the arbitral tribunal on the basis of which the question of law is to be determined; why determination of the question of law will substantially affect the rights of one or more parties; why it is contended that the decision of the arbitral tribunal on the question of law is obviously wrong or that the question of law is of general public importance and the decision of the arbitral tribunal is open to serious doubt; and why it is just and proper in the circumstances for the question to be determined by the Court.

To the other parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service** of the Application and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an Affidavit within 14 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [.....] Multilingual Notice (mandatory)
- [.....] Supporting Affidavit (mandatory) (must be filed and served)
- [.....] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- [.....] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- [.....] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)

[.....] If other additional document(s) please list them below:

Note to Parties

There are usually cost penalties for making an unsuccessful application or resisting a successful application.