

# ACT Supreme Court Practice Direct No 1 of 1994 Application for Industrial Order NISI

1. On 30 March 1994 the Industrial Relations Court of Australia commenced operation.

2. That Court will have jurisdiction with respect to matters arising under the *Industrial Relations Reform Act 1993* (s.412 (1)) and in respect of matters remitted to it by the High Court under s.44 of the *Judiciary Act 1903* (s.412 (3)).

For the purposes of s.44, the Industrial Relations court is taken to have jurisdiction with respect to any matter in which a writ of mandamus or prohibition or an injunction is sought against an officer or officers of the Commonwealth holding office under the *Industrial Relations Reform Act 1993* or the *Coal Industry Act 1946* (s.412 (2)).

3. Applications for prerogative relief are presently made in the first instance ex parte to a Justice of the High Court under O.55 r.1 of the High Court Rules. On 30 March 1994 and thereafter, for the purposes of applications against the Industrial Relations Commission and its members, and against the Coal Industry Tribunal, applications shall be made to a Justice by notice of motion supported by an affidavit.

4. The notice of motion which should be in the following form-

## Notice of Motion (Industrial Order Nisi)

Heading

To A.B.

Take Notice that the applicant/prosecutor intends to move a Justice of the High Court of Australia on the - day of - 199- at [insert city] for the following orders:

1. That the respondent show cause why a Writ of [Prohibition, Mandamus, Certiorari] should not issue out

of this Court directed to the [insert respondent(s)] upon the grounds set out in the affidavit of [insert deponent] or alternatively

2. That the application for that writ be remitted to the Industrial Relations Court for this Hearing.

Dated this - day of -, 199-

Solicitor for the Applicant/Prosecutor

shall be served upon all prospective respondents to the application in accordance with the provisions of O.51 r.6 (a) of the High Court Rules.

5. The affidavit in support should set out concisely:

- (a) the factual background to the proceedings;
- (b) the issues which have arisen between the parties before the Industrial Relations Commission, or one of its members or before the Coal Industry Tribunal;

(c) (i) how those issues justify the granting of an order nisi and,

(ii) whether they raise a constitutional question and, if so, what that question is and,

(iii) whether the proceedings should continue in the High Court rather than be remitted to the Industrial Relations Court;

(d) Exhibited to the affidavit should be:

(i) the reasons for decision of the Industrial Relations Commission or of one of its members, or of the Tribunal, and

(ii) such other documents as are necessary for the proper determination of the application; and

(iii) a draft order nisi.

6. The application will be listed before a Justice. A party opposing an order that the matter be remitted to the Industrial Relations Court should show by affidavit the grounds of opposition.

Dated this 29th day of March 1994.  
Chief Justice of Australia



If you have  
one or both  
and wish  
to sell,  
please telephone  
**Tony Young**  
on  
**818322**

## Criminal Lawyers' to meet in May

**The Criminal Lawyers Association (NT) will hold its annual general meeting at the Northern Territory Legal Aid Commission on Thursday 5 May from 5.30pm.**

Office bearers to be elected include the president, vice president, secretary, treasurer and four committee members.

At least one representative on the Executive Committee should come from the Director of Public Prosecutions, Aboriginal Legal Aid, NT Legal Aid Commission, the Bar, Alice Springs and Katherine plus the Law Faculty of the Northern Territory University.

Extra places may be made available on the committee to ensure representation of these sections of the profession.

Annual membership costs \$20, which may be paid on the night. Call Jenny Blokland on 46 6831.