

# **Application for Stay of Proceedings – Want of Jurisdiction**

Service and Execution of Process Act, 1992 S.20

In the Local Court at (location):  
In the State of New South Wales

Court file number:

Plaintiff:

Defendant:

The defendant applies to the court for the following orders and relies on the grounds set out in the accompanying affidavit:

1. The court grant a stay of proceedings in this matter until further order;
2. The Court make a declaration that it is satisfied that the most appropriate court to determine all matters in issue between the parties is a court for the State or Territory of 1
3. The court determine this application without a hearing pursuant to S.20 (6) or by telephone link with the applicant pursuant to S.20(7) of the Service and Execution of Process Act, 1992 as the Court thinks fit.
4. Should the court require the personal attendance of the said defendant to prosecute this application or for any other purpose, such attendance be made conditionally upon the plaintiff giving security for the defendant's costs of so attending in an appropriate amount, that these proceedings be stayed until such security is given and that, after the lodging of such security, the defendant be given at least one month's notice of the date on which such attendance is required.
5. Such other orders as the court thinks fit.

Defendant's address for service:

Defendant's telephone number:

Defendant's Signature:

Date:

Indicate the appropriate State or Territory in which it is believed the cause of action should be heard and determined:

## Affidavit in Support

I (name) \_\_\_\_\_, of (occupation)  
at (address)  
make oath and say as follows:

see Annexure "A"

Sworn before me at (location):  
this (date):

Justice of the Peace Signature:

### Notes -

If more than one defendant, indicate which one. If defendant is a company you must be an officer authorised in writing to act on behalf of the company.

Place of Business is only relevant if cause of action related to a business dealing.

If defendant is a company, indicate its registered office.

### Annexure "A"

1. I am the (select one) Defendant/authorised officer of the defendant company.
2. I reside at / carry on business at (address):  
OR
3. The defendant company has its registered office at (location):  
and carried on business at (location):

Note - Indicate where and how the cause of action arose. If cause of action is contractual, indicate where and by what means the contract was entered, whether in writing, oral or implied and means of delivery - if by phone, fax or e-mail - indicating who made the offer and who accepted the offer and where and how the communications were sent and received. If cause of action is tortious e.g. a car accident, indicate where the events occurred.

4. The cause of action which is the subject of these proceedings arose as follows (attach further document if insufficient space):
5. At the time the cause of action arose, I was residing at (address)  
the defendant company was carrying on business at (address)  
(Give defendant's address at the time the cause of action arose.)

6. It is likely that I will need to call (number) \_\_\_\_\_ witnesses who respectively reside at (list):
7. The parties (circle one) did/did not agree that the law pertaining to this cause of action would be the law for the State/Territory of (location)
- (Sometimes parties contract to say that the laws of a particular state will apply to their dealing. Indicate if this was so.)
8. I believe that at the time the cause of action arose the plaintiff in this action (circle one) resided/had its registered office at (location):  
and carried on business at (location):
9. I believe that the plaintiff now (circle one) resides/carries on business at (location):
10. I estimate my costs of travelling to and from the Court of issue in New South Wales to be approximately \$  
(Indicate how much it will cost to travel to and from the New South Wales Court including accommodation, meals fares and lost wages)
11. The cash reserves available to me at this time to pay for travelling to the Court of issue in New South Wales total \$
12. A related proceedings (circle) has/has not been commenced in the Court in the (circle one) State/Territory of (name) \_\_\_\_\_ at (location) bearing matter number(case number):

**Note - This part is completed by the J.P. who signed the affidavit with you.**

This is the annexure marked with the letter "A" referred to in the affidavit of (name) \_\_\_\_\_ sworn before me at (location) \_\_\_\_\_ in the (circle) State/Territory of (name) \_\_\_\_\_ this (date):

Justice of the Peace