

[HIGH COURT OF AUSTRALIA.]

EX PARTE MOTIONS AND PROHIBITIONS.

Practice—High Court—Full Bench—Ex parte motions—Prohibition to the President of the Commonwealth Court of Conciliation and Arbitration—Commonwealth Conciliation and Arbitration Act 1904-1915 (No. 13 of 1904—No. 35 of 1915), sec. 21AA. H. C. OF A. 1916.

MELBOURNE,
Sept. 25.

Ex parte motions will not be taken by a Full Bench.

Where an application is made to the High Court for a prohibition to the President of the Commonwealth Court of Conciliation and Arbitration the Court will require the applicant to take advantage of sec. 21AA of the *Commonwealth Conciliation and Arbitration Act 1904-1915*.

Griffith C.J.,
Barton, Isaacs,
Higgins,
Gavan Duffy,
Powers and
Rich JJ.

GRIFFITH C.J., in the presence of a Full Bench, made the following statement :—

A Full Bench will not take *ex parte* motions.

When an application is made to the Court for a prohibition directed to the President of the Arbitration Court, the High Court will exercise its discretion by requiring the party applying to take advantage of sec. 21AA of the *Commonwealth Conciliation and Arbitration Act*, which creates an alternative mode of obtaining a decision on the objection of want of jurisdiction, it being understood that a Justice sitting alone may refer to the Full Court any difficult question of law arising upon the application.

B. L.