**TEMPLATE B – Application referred for consideration – not dismissed yet.**

Insert matter details

Dear insert

We refer to the Commission’s letter dated insert. The letter advised that member would review the relevant application (**Commission Application**) to consider if it should be dismissed on the ground that the determination of the dispute, may involve the exercise of federal jurisdiction - a decision has **not** yet been made by the Commission.

1. This letter sets out your options following recent judicial action which provides that the Commission can determine the dispute which was the subject of the Commission Application.
2. Your options are affected by whether you have filed an application with the District Court to allow you to commence proceedings in that court to determine the Dismissed Application (**Substituted Proceedings Application**).

**Options if you did not file a** **Substituted Proceedings Application**

1. If you want the Commission to determine the dispute which was the subject of the Commission Application, the Commission will simply manage the application in the usual way.
2. Please advise the Commission in writing within 5 business days of this letter if you have filed a Substituted Proceedings Application and you wish to proceed with that application based on one of the options discussed below (see paragraph 5).

**Options if you did file a** **Substituted Proceedings Application**

1. If you filed a Substituted Proceedings Application however, it has **not** been determined yet, you can either terminate or maintain it.
2. If you terminate the Substituted Proceedings Application, please advise the Commission accordingly within **5 business days** of this letter, and it will proceed to manage the Commission Application in the usual way.
3. If you are maintaining the Substituted Proceedings Application, please advise the Commission within **5 business days** of this letter and the Commission will not take any action. If District Court rejects the Substituted Proceedings Application, the matter will likely be remitted to the Commission for determination.
4. Where a Substituted Proceedings Application has been made and accepted by the District Court, you can either:
   1. Ask the District Court to remit the dispute to the Commission for determination and, if a remission order is made the Commission will manage the Commission Application in the usual way, noting that the filing date will remain the date that the Commission Application was filed; or
   2. maintain the District Court proceedings unless and until the District Court indicates that it will remit the matter to the Commission for determination.
5. Please advise the Commission within **5 business days** of this letter which option you wish to adopt.

**Insert signature**