



HIGH COURT OF AUSTRALIA

Information on procedures for applications for removal after filing*

Please note the provisions of the *High Court Rules 2004* ("the Rules") relating to removal applications, as set out below.

Rule 26.01.1(c) states that the application for removal and supporting documents must be served within seven days of filing your application. The applicant should then file an affidavit of service.

Pursuant to Rule 26.03, a respondent has 14 days from the date of service of the removal application in which to file a notice of appearance. A notice of appearance must be in Form 7 or, in the case of a submitting appearance, Form 8.

Rule 26.04 states that the respondent's response must be filed and served within 21 days of service of the application for removal. It must be in Form 18 and it cannot exceed 10 pages in length. The respondent who disputes any facts set out in the application for removal must file an affidavit setting out the facts in dispute at the time of filing the response.

The applicant may then file a reply within seven days of the response being served pursuant to Rule 26.05.1.

Rule 26.07.1 provides that the Court may determine the application without hearing oral argument from the parties. The Court has revised the process for the consideration and determination of removal applications. As was the previous practice, all applications will be considered by the Court, in the first instance, on the basis of the written material. The Registry will refer applications to the Justices at the commencement of each sitting period. The Justices will meet on the first Monday of the following sitting period to consider the applications and will publish their decisions on the afternoon of the first Thursday of that sitting period.

Please note that Rule 26.09.1 provides for the abandonment of an application due to delay.