

The Clerk also times the oral presentations in special leave applications and controls the counsel warning lights on the lectern.

When reserved judgments are delivered, an additional Associate attends in Court to collect the written judgments from each of the Justices as they are pronounced and delivers them to the Clerk for noting in the Court minute book.

Court Crier

The Court Crier sits to the right of the Bench beside the Clerk in Courtrooms 1 and 2 and sits to the left of the Bench beside the witness box in Courtroom 3. His/her role is to formally open and close the sittings each day, maintain decorum in the Courtroom, relay files, documents and judgments to the Court Reporter and the Registry and ensure that no person other than a barrister, instructing solicitor or unrepresented litigant proceeds beyond the bar rail.

Associates

Each Justice has two Associates who take turns performing tipstaff duties for their Justice in Court. As tipstaves, Associates sit behind the Justices in Courtrooms 1 and 2, and to the right of the Justice in Courtroom 3. They prepare all the legal reference books for each sitting day and keep these on trolleys beside them. As the barrister at the lectern makes reference to written authority, each tipstaff hands the relevant text to their Justice.

Legal practitioners

The barristers scheduled to argue cases are seated at the bar table facing the Bench. The court attire (robes and wigs) worn by barristers appearing in appeals to the High Court is determined according to the court attire customarily worn in the state or territory from which the appeal is brought. Before a single Justice (in Courtroom 3) barristers do not wear robes or wigs because these are preliminary hearings in a case and not before the Full Court.

The barrister making submissions stands behind the lectern in the middle of the bar table, except in Courtroom 3 where barristers address the Bench from their respective sides of the bar table. Solicitors sit at the tables behind the barristers. The solicitor instructs and assists the barrister on behalf of the client.

Court etiquette

The High Court building is open to the public and we hope that you enjoy your visit. We request your cooperation in respecting our restrictions and requirements for visitors. Court Guides are stationed around the Public Hall and will advise you of courtroom protocol.

It is customary, as a matter of respect to the Court when it is in session, that you bow on entry into the courtroom and again on leaving. Please remain silent while inside the courtroom and in the area immediately outside its entrance. We do not recommend bringing infants or very young children into the courtroom while the Court is in session.

To contain the flow of people in and out of the courtrooms, and as a mark of respect to the Court, visitors are requested to remain in the courtroom for at least 10 minutes. We ask that you do not take any of the following items into the courtrooms when the Court is in session: mobile phones, cameras, ipads, computers, recording devices or any other electronic equipment. The Court does not allow newspapers or other documents that may cause disruptive rustling in the courtroom. You should be appropriately and neatly dressed, including footwear. Large bags, backpacks and bulky items are to be surrendered at the door or left with the security guard at the main entrance to the Public Hall (Level 2).

Smoking is prohibited throughout the building. Food and drink may only be consumed in the cafeteria or outside the building, except at functions.

Visitor services

The building is open from 9:45am to 4:30pm Monday to Friday (except public holidays), and on Sundays, midday to 4.00pm. The *Chambers Cafe* on Level One is open 9.45am – 3.00pm Monday – Friday (except public holidays). Lunch is available 11.30am – 2.00pm.

Information desks are located at the Ground Floor and Level 2 entrances and Court Guides are on duty throughout the building to assist you during your visit.

An exhibition area and a video about the role of the Court are located in the Public Hall.

For visitors with a disability, parking is located under the portico of the building, off Parkes Place, on the right hand side of the building. A wheelchair is available upon request. Access to the courtrooms is either by ramps or elevators. Please ask Court Guides for assistance.

Parking for visitors with a disability is located under the portico of the building, of Parks Place, on the right hand side.

<http://www.hcourt.gov.au>

HIGH COURT OF AUSTRALIA



General procedures

Welcome to the High Court of Australia. We hope you find your visit enjoyable, interesting and informative.

Most cases heard by the High Court are appeals from the Supreme Courts of the states and territories, the Federal Court of Australia or the Family Court of Australia. At least two Justices considering an application for special leave to appeal (see below) will have selected the case as being sufficiently important to deserve the Court's consideration.

Some cases actually begin in the High Court. These are mostly cases involving the interpretation of the Australian Constitution, or disputes between states, or between the Commonwealth and one or more states. Matters raising constitutional questions may involve the intervention of some or all of the attorneys-general for the Commonwealth, the states and the territories.

Oral argument

A barrister for each side of a case has an opportunity to make a presentation to the Court and answer questions posed by the Justices. Beforehand each side files written submissions outlining the legal arguments to be presented on behalf of each party. The Justices read the submissions prior to argument and are thoroughly familiar with the appeal, its facts and the legal position that each party is advocating.

Applications for special leave to appeal are generally heard in Courtroom 2. Sometimes these matters are heard by video-link, with counsel addressing the Court from a remote location (usually Adelaide, Brisbane, Darwin, Hobart or Perth). Oral argument in special leave applications is governed by special time limits.

Court judgments

In applications for special leave to appeal the Court generally announces its decision at the conclusion of argument.

For other Full Court hearings the usual practice is for the Court to reserve its decision. Justices prepare written reasons for their decisions, which are handed down formally in open court at a later date.

Judgments, judgment summaries and transcripts of the Court's proceedings are available free of charge and on the Internet at www.hcourt.gov.au

Sitting schedule

The Court usually sits for two weeks each month, except in January and July. When the Court is not sitting, the major part of the Justices' time is taken up with the preparation of detailed written reasons for their decisions.

The Court hears most cases in Canberra but, subject to it having sufficient business, it may also sit in Hobart, Brisbane, Adelaide and Perth.

Additionally, the Court sits in Sydney and Melbourne to hear applications for special leave to appeal.

The Court's sitting schedule is published before the beginning of each calendar year.

Participants in the courtroom

As you enter the courtroom, it may be helpful for you to understand the various roles of the people you are about to see.

Justices

The Justices enter the courtroom through a door to the right of the Bench. The Justices take their places on the Bench in order of seniority with the Chief



L to R: Justice Gageler; Justice Kiefel AC; Justice Hayne AC; Chief Justice French AC; Justice Crennan AC; Justice Bell AC; Justice Keane

Justice, or the most senior Justice, in the centre and the others alternating in seniority from left to right (as you face the Bench) with the least senior Justice on the far right. Except in the case of the Chief Justice, the seniority of the Justices is determined by the date of their appointment to the High Court.

Clerk of the Court

During sittings, one of the Justices' Associates occupies the Clerk's desk which is situated to the right of the bench in Courtrooms 1 and 2. The Associates take turns at clerking, except for matters in Courtroom 3 where the single Justice is always attended by his/her own Associate and a Registrar sitting in front of the Bench. The Clerk records the proceedings in abbreviated form in the Court minute book. Details include the title of the case, composition of the Bench, appearances by counsel, timings when counsel commence and finish speaking, adjournments and pronouncements by the Bench.

