

HIGH COURT OF AUSTRALIA

PRACTICE DIRECTION NO 1 OF 2013

AUTHORITIES

1. Commencement

This Practice Direction takes effect in relation to matters set down for hearing in the August 2013 sittings of the Court and thereafter.

2. Transitional arrangements

Practice Direction No 3 of 2010 continues to apply to matters set down for hearing in the May and June 2013 sittings of the Court. Practice Direction No 3 of 2010 is revoked with effect from 1 August 2013.

3. Applications for leave or special leave to appeal and applications for removal (other than applications for leave or special leave referred to an enlarged Court for hearing as if on appeal)

If, on the hearing of an application for leave or special leave to appeal or an application for removal pursuant to s40 of the *Judiciary Act* 1903, a party intends to refer to any case, text book, article, statute, regulation or any other material, including extrinsic material, that party must deliver four (4) copies of the relevant material to the Registry of the Court in the city where the Court will hear the application. The copies must be delivered no later than 9.00 am on the working day preceding the hearing of the application. Where the Court is hearing an application by video-link, the copies must be delivered to the Registry where the Court is sitting no later than 9.00 am on the working day preceding the hearing of the application. The parties are urged to liaise with each other well before the hearing of the application so as to avoid duplication of photocopies.

4. Appeals and other Full Court matters (including applications for leave or special leave referred to an enlarged Court for hearing as if on appeal)

Each party, intervener or person seeking leave to intervene or appear as amicus curiae must file a typewritten list of all cases, text books, articles, legislation, extrinsic material and other authorities which counsel intend to cite at the hearing of any matter. Nine (9) copies of the list must be filed at the same time as written submissions are filed in accordance with Part 44 of the High Court Rules. The list must be served on the other parties and any interveners or persons seeking leave to intervene or to be heard as amicus curiae at the same time as written submissions are served in accordance with Part 44 of the High Court Rules. The list must contain only those cases, text books, articles, legislation and authorities from which passages are to be read. The list should identify whether, for any legislation included in the list, there is an official hardcopy reprint of the entire Act or regulation in a suitable form and, if there is not one, whether there is an electronic or unofficial compilation. The list must also show the page numbers of those passages and the sections of any relevant legislation that are to be cited. Cases, text books, articles, legislation and authorities to which reference may be made are not to be included in the list. If it becomes necessary to cite material that is not on any list that has been filed and served, nine (9) copies of the material must be provided to the Principal Registry in Canberra no later than 9.00 am on the working day preceding the hearing. The parties are urged to liaise with each other before the hearing of the matter so as to avoid duplication of photocopies.

5. Appeals and other Full Court matters listed for hearing on Circuit

Because of difficulties of access to reports and statutes while the Court is sitting outside Canberra, counsel are asked to provide seven (7) copies of all reports (including Commonwealth Law Reports), statutes and other materials from which they intend to read. Counsel should consider whether it will be enough for the purpose of argument to provide a copy of the headnote of a report and the passages to be read, similarly in the case of statutes and other materials. The parties are urged to liaise with each other well before the hearing of a matter so as to avoid duplication of photocopies.

1 May 2013