



## HIGH COURT OF AUSTRALIA

### **Filing documents**

Documents lodged in the DLS Portal will not be filed unless approved by the HCA Registry (and any payment is received by the Court).

### **The sealed order**

Before the notice of appeal can be filed, the order granting special leave to appeal must be entered. Precedent orders available on the High Court website for your assistance: [https://www.hcourt.gov.au/registry/filing-documents/registry\\_forms2023](https://www.hcourt.gov.au/registry/filing-documents/registry_forms2023). Please email the Registry a draft order for settling, sealed copies of which will be returned to you. A sealed copy of that order should be annexed to both the notice of appeal filed in the court below and to the notice of appeal served on the Respondent.

### **The notice of appeal**

An appeal is not properly instituted unless a notice of appeal has been filed. Pursuant to Rule 42.03 of the *High Court Rules 2004* ("the Rules") an appellant has 14 days from the date of the grant of leave or special leave to do this. Please forward a copy of the notice of appeal to the Registry for checking before it is filed.

Upon filing the notice of appeal, a filing fee and a hearing fee are payable. A daily hearing fee may also be due if the matter is listed for more than one day.

Please note that a partial waiver or exemption from these fees may be sought in certain circumstances. Information about the fees can be viewed on the High Court website at <http://www.hcourt.gov.au/registry/filing-documents/high-court-of-australia-fees>.

### **The exhibits**

A list of all of the exhibits before the primary judge or court below must be lodged with the notice of appeal.

### **Core appeal book**

Pursuant to Rule 42.13 the appellant must file a core appeal book (CAB) within 21 days of the filing of the notice of appeal.

The CAB must contain the documents referred to in Rule 42.13. A sample index is available at [https://www.hcourt.gov.au/registry/filing-documents/registry\\_forms2023](https://www.hcourt.gov.au/registry/filing-documents/registry_forms2023). Please contact the Registrar if you would like to have the draft index checked prior to compiling the CAB.

Please provide a draft CAB for checking by the Registrar prior to filing. An information sheet on preparing the core appeal book, books of further materials and the joint book of authorities is available: <https://www.hcourt.gov.au/registry/information-sheets/information-sheets>.

## **The written submissions**

Please note the following requirements for the filing of submissions in this matter:

- Rule 44.02 requires the appellant to file its written submissions (Form 27A and not exceeding 20 pages) and a chronology (Form 27B) within 49 days of the grant of special leave;
- Rule 44.03 requires the respondent to file its written submissions (Form 27D and not exceeding 20 pages) within 28 days of service of the appellant's written submissions;
- Rule 44.05 provides that an appellant may also file a reply (Form 27E and not exceeding 5 pages) within 21 days of the respondent's written submissions being filed.

The Court regards compliance with the requirements of Part 44 to be extremely important and variations to those requirements will be made in only limited circumstances. Applications for extensions of time (or to increase the page limit) should therefore only be made in exceptional cases. They will be considered by the Court or a Justice and may be listed for hearing in open Court. Applications for extensions of time (or to increase the page limit) should be supported by an affidavit setting out the grounds for the extension and the reasons, if any, why the costs of the application should not be borne by the party seeking the variation.

Please note that the High Court publishes written submissions filed in Full Court matters. Rule 44.07 therefore requires that the written submissions and chronology include a certification that each is in a form suitable for publication.

## **Redacted documents**

A redacted form of any document suitable for publication should accompany the submissions and chronology if required. The parties should consider whether it is necessary to provide any redacted books suitable for inspection at the time of filing any books.

## **Book of further materials**

The appellant and the respondent will each file with their written submissions an indexed book of further material comprising any additional lower court material (including oral and documentary evidence) to which the party intends to refer at the hearing. Written submissions will be annotated to refer to the documents reproduced in the core appeal book and to the books of further materials filed by the parties. The information sheet on preparing the core appeal book, books of further materials and the joint book of authorities is available: <https://www.hcourt.gov.au/registry/information-sheets/information-sheets> and provides some guidance in how to prepare the books of further materials.

## **Joint book of authorities**

Practice Direction No 1 of 2019 prescribes the form and content of the joint book of authorities. The Practice Direction is available here: <http://www.hcourt.gov.au/registry/filing-documents/practice-directions>. The appellant must prepare, in consultation with the respondent and any interveners, a joint book of authorities to which reference will be made during the course of oral argument at the hearing of the appeal.

The appellant must file the book within 14 days of the time limited by Rule 44.05.2 for the filing of a reply.