



## HIGH COURT OF AUSTRALIA

### **Information on procedures for applications for special leave or leave after filing\***

Pursuant to Rule 41.03.1 of the *High Court Rules 2004* ("the Rules") a copy of the application (and the documents filed with it) must be served on each respondent within seven days of the application being filed. A copy of the application must also be lodged with the Prothonotary, Registrar or other proper officer of the Court below (Rule 41.03.2).

Within seven days after serving or lodging the documents in accordance with Rules 41.03.1 and 41.03.2, an affidavit deposing to the time and manner of that service or lodging (Rule 41.03.3) must be filed. Please note that if the applicant fails to comply with Rules 41.03.1 and 41.03.2 the application can be deemed to be abandoned.

### **Represented matters**

The respondent must then file and serve either a notice of appearance or a submitting appearance within 14 days of being served with the application (Rule 41.04). Please note the respondent is not limited to filing a submitting appearance in any subsequent appeal if it files a submitting appearance in the special leave application. The response is due 21 days after the service of the application, following which the applicant has seven days to file a reply (Rules 41.05 and 41.06).

The matter will be then referred to the Court to determine how it will proceed. Please note that the Court may determine your application without listing it for hearing (Rule 41.08.1).

### **Self-represented matters**

Within 14 days of service of the application, the respondent should file and serve a notice of appearance (Form 7) or a submitting appearance (Form 8). The matter will be then referred to the Court to determine how it will proceed. Please note that the Court may determine your application without listing it for hearing (Rule 41.08.1).

Rule 41.05.2 provides that where the applicant is self-represented, the respondent shall file a response only if directed to by the Court. The Registry will keep the parties informed in this respect.

### **All matters**

The Court has revised the process for the consideration and determination of applications for leave or special leave. 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.

The Court regards compliance with the time limits specified in Part 41 to be extremely important. Extensions of time will therefore only be granted in limited circumstances. Please read Rule 41.10 concerning the deemed abandonment of applications due to the failure to comply with certain time limits.

The Rules, the Practice Directions and the relevant forms may be accessed on the High Court's website: [www.hcourt.gov.au](http://www.hcourt.gov.au).

\*As at 1 December 2023, incorporating the [Revised Special Leave Process](#)