

HIGH COURT OF AUSTRALIA

PRACTICE DIRECTION NO 1 OF 2019

LEGISLATION AND AUTHORITIES APPEALS AND OTHER FULL COURT MATTERS

1. Commencement

This Practice Direction takes effect in relation to matters set down for hearing after 1 October 2019.

2. Revocation of Practice Direction No 1 of 2017

Practice Direction No 1 of 2017 is revoked with effect from 1 October 2019.

The revocation of this Practice Direction does not revive any earlier Practice Directions revoked by it.

3. Written Submissions (Part 44 of the *High Court Rules 2004*)

Each party and intervener must provide as an annexure to their Written Submissions a list of the particular constitutional provisions, statutes and statutory instruments referred to in the submissions. The list should identify the correct version of the legislation as at the date or dates relevant to the case.

4. Joint Book of Authorities

In consultation with the respondent and any interveners, the appellant must prepare a joint book of the authorities to which reference will be made during the course of oral argument at the hearing of the appeal.

The appellant must file the electronic version of the Joint Book of Authorities (“JBA”) within 14 days of the time limited by Rule 44.05.2 of the *High Court Rules 2004* for the filing of a reply. The appellant must serve the electronic version of the JBA on the respondent and any interveners within the same time.

Contents

The JBA must comprise the cover page, a certificate, an index, legislation, cases and other material.

Cover page

The cover page must include the full title of the case and the names and addresses of the solicitors for all parties and interveners, including contact telephone numbers and email addresses.

Certificate

The first document of the JBA should be a certificate, signed by the senior legal practitioners who are to present the case in Court on behalf of each party and intervener, that the authorities are those to which the senior legal practitioners intend to refer at the hearing and that the senior legal practitioners are satisfied that the legislation is the correct version as at the date or dates relevant to the case and that the case citations are accurate and up to date.

Index

The index to the JBA should include a column to record the party relying on each item reproduced and a cross-reference to the paragraph of the party's written submissions in which the reference is found. Where more than one party relies on the same item each additional party and the cross-references to each additional party's written submissions should be recorded in subsequent lines of the index.

Legislation

- (a) The principal legislation in each case should be reproduced first in the JBA. Except where the Act is voluminous, the whole of the principal Act should be reproduced.
- (b) Relevant extracts only of all other legislation should be reproduced, in alphabetical order and grouped by jurisdiction, commencing with Commonwealth legislation followed by the States and Territories and finally overseas jurisdictions.

Where extracts of legislation are reproduced it will be necessary to include the title page, the naming provision, relevant definition or interpretation sections and any other provisions to which reference is made in the extract.

Cases

Only those cases to which reference will be made during the course of oral submissions should be reproduced.

Cases should be reproduced in alphabetical order in text searchable pdf format, where available. Cases should be reproduced in portrait orientation with one page per sheet (any documents smaller than A4 should be enlarged).

Where possible cases should be reproduced from the series of reports in the following table:

Court	Report Series	Citation
High Court	Commonwealth Law Reports ¹	CLR
Federal Court	Federal Court Reports	FCR
Supreme Court of Victoria	Victorian Reports 1957- Victorian Law Reports 1875-1956	VR VLR
Supreme Court of New South Wales	New South Wales Law Reports 1971- State Reports NSW 1901-1970 New South Wales Law Reports 1856-1900	NSWLR SR NSW NSWLR
Supreme Court of the Australian Capital Territory	Australian Capital Territory Law Reports	ACTLR
Supreme Court of the Northern Territory	Northern Territory Law Reports	NTLR
Supreme Court of Queensland	Queensland Reports 1959- State Reports Queensland 1902-58	QdR St R Qd
Supreme Court of South Australia	South Australian State Reports 1951- State Reports South Australia 1921-1950 South Australian Law Reports 1865-1920	SASR SASR SALR
Supreme Court of Tasmania	Tasmanian Reports 1979- State Reports Tasmania 1941-1978 Tasmanian Law Reports 1897-1940	TasR Tas SR TLR
Supreme Court of Western Australia	Western Australian Reports 1960- Western Australian Law Reports 1899-1959	WAR WALR

¹ Australian Law Journal Reports (ALJR) where not reported in the CLRs.

Other materials

Explanatory notes and statements should include an indication of the jurisdiction of origin.

Where reference is made to a book it will be necessary to reproduce the relevant chapter or section only. The title page and publication details (including year of publication and edition) must be included.

Copies of material downloaded from a website or database should identify the source (including the URL) and date of download.

Order of reproduction

Material in the JBA should be reproduced in the following order, with each part reproduced in a separate volume or volumes of no more than 500 pages (250 sheets):

- Part A Principal legislation (whole unless voluminous)
- Part B Other legislation (extracts)
- Part C Cases from the Commonwealth Law Reports (in alphabetical order)
- Part D Cases from other report series (in alphabetical order)
- Part E Other materials

Format of the JBA

The JBA should be prepared in A4 size. The index should include a subheading “Part (A, B, C, D or E), Volume (insert the relevant number)” before the first document which will appear in each part and volume. In addition, on the cover the words “Part (A, B, C, D or E), Volume ... of ... (insert the relevant volume number and total number of volumes)” should appear immediately following the heading “Joint Book of Authorities”. The pages included in each volume should also be shown on the cover: e.g. pp 501-835. A copy of the entire index should be included in each volume. Pages should be numbered consecutively and continue from one volume to the next.

The JBA must be provided as a text searchable pdf with the commenting function enabled.

Additional material

If it becomes necessary to cite material that is not on the list, 9 copies of the material must be handed to the Court by the senior legal practitioner presenting the case in Court *at the time the material is required* during the hearing.

5 August 2019