



## HIGH COURT OF AUSTRALIA

### HOW TO LODGE A SPECIAL LEAVE APPLICATION IN THE DIGITAL LODGMENT SYSTEM PORTAL (DLS)

#### Mandatory electronic filing

In 2020, the High Court of Australia moved from being a paper-based Court to one that provides for the electronic lodgment of Court documents. With the implementation of the DLS Portal, the High Court moved to mandatory electronic lodgment of all documents filed.

#### Using the DLS portal

It is recommended that parties use one of the Chrome, Edge, Safari or Firefox public browsers rather than Internet Explorer to access the DLS Portal.

At times, the application will try to display additional information in a pop-up window, so pop-ups must to be allowed in your browser to receive this. The walkthrough assistance in the Portal also requires pop-ups to be enabled.

You will need to register as a DLS user, using a valid email address, to file an application. Your DLS registration may take a few days to be approved, however you are able to lodge up to five applications in the DLS prior to registration approval.

#### Starting a case

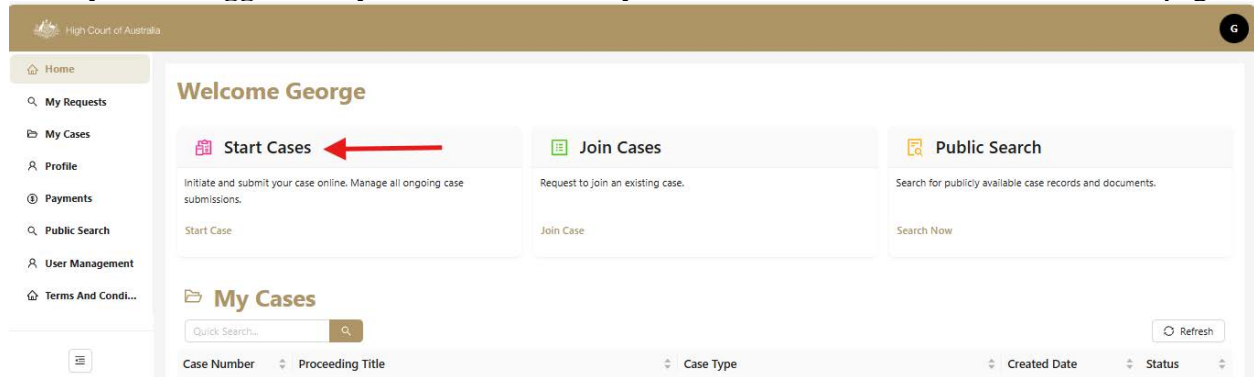
You should ensure you have all your material for lodgment ready before you commence the lodgment process. The DLS does not allow for saving information and restarting a lodgment, so you should be prepared to complete the process in one sitting.

Documents/forms are to be prepared and signed by the parties, and they must be in PDF format for lodgment in the DLS Portal. Additional documents required should also be available to upload individually as **separate PDF files**. If your document is in Word format, you will need to save it as a PDF before continuing.

The combined file size of documents which can be uploaded to the DLS at one time is limited to 50MB. If you are unable to remain within this limit without losing document quality, please contact the Registry to discuss your options.

There are information sheets available on the High Court website which may be of assistance if you are applying for special leave to appeal, including information on what documents are required to be included with your lodgment according to the *High Court Rules 2004*.

Once you are logged into your DLS account, you can start a case either from the Home page:

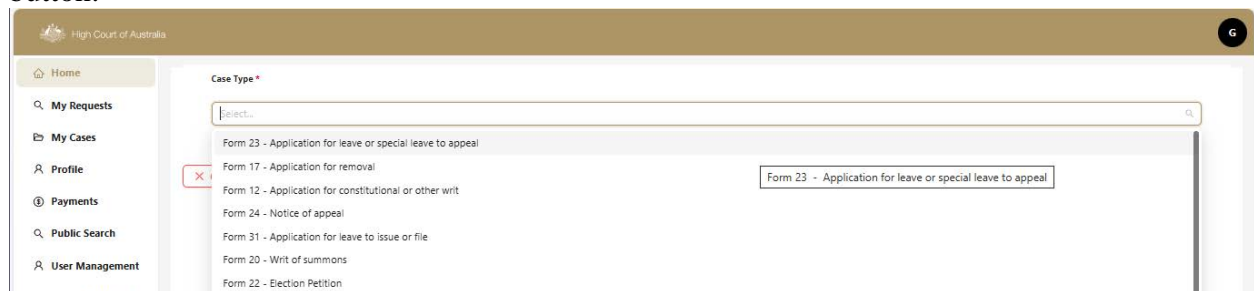


Or within the My Cases view:



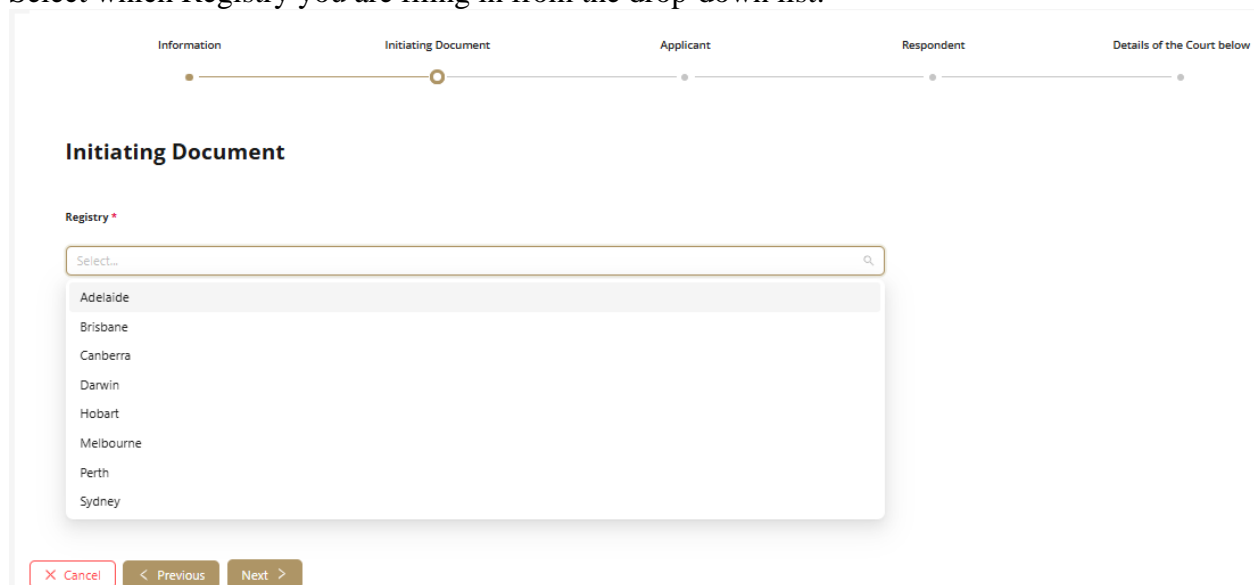
Select the **Start a Case** button.

Select the **Case Type** you will be commencing from the drop-down list, then click the **Next** button:



You will see an information page which outlines the supporting documents you are likely to require to complete your lodgment. Click the **Next** button to progress to the next screen.

Select which Registry you are filing in from the drop-down list:



Upload your **Form 23 – Application for leave or special leave to appeal** by dragging the file onto the icon. Alternatively, you may click on the text that reads ‘*Drag & drop your PDF file for initiating the case or browse*’, navigate to the file and select **Open**. There will be an opportunity later to upload supporting documents – just the one initiating document should be uploaded here (the Form 23).

The DLS then requires some information about the case you wish to commence. Generally, if you are appealing a decision from the court below, the appropriate case type will be **Special Leave**.

#### Initiating Document

[Cancel](#) [< Previous](#) [Next >](#)

Then select either **Civil** or **Criminal**:

Once you have entered that information, click the **Next** button to proceed to the party information. Parties' names should be entered as they appear on the lower court documentation. Please enter all party names exactly as they were in the lower court.

However, parties may change from respondent to applicant and vice versa in some cases. In all cases, the applicant is the party starting the case (but may change from respondent to applicant, etc, for an appeal).

First, you are required to enter the details of the applicant. Click on the **Add Party** button to enter the details for the moving party:

The screenshot shows the 'Applicant' step of a process. At the top, a progress bar indicates the current step. A red arrow points to the 'Add Party' button. Below this, there is a search bar and a table for party details. The table is currently empty, and a message indicates 'No Data Found'. A red error message is present at the bottom, stating 'Please Enter the Applicant Details'. Navigation buttons for 'Cancel', 'Previous', and 'Next' are located at the bottom of the form.

In the **Moving Party** window, select the appropriate **Party Type** from the drop-down list. This will govern the fee payable. If unsure, refer to the party category information sheet available from the High Court website ([HCA Party Category Information Sheet](#)).

### Moving Party

The screenshot shows the 'Moving Party' window with a dropdown menu for 'Party Type'. The dropdown is open, showing a list of options. 'Individual/Natural Person' is the selected option. Other options include 'Company', 'None of the above', 'Public Authority', 'Public Company', 'Representative Proceeding', 'Small Business', and 'Unincorporated Not For Profit Association'.

Indicate if this party is self-represented. A party is self-represented if they do not have legal counsel.

### Moving Party

Party Type \*

Individual/Natural Person

☒ Self Represented?

Please use your real name not an Alias

☐ Enter Alias from Court below

☐ This application relates to an application for a protection visa and no alias has previously been allocated

Given Name \*

George

Family Name \*

Testing

When **Self Represented** has been selected, some of the later fields will be greyed out and unable to be changed. This is because, as a self-represented applicant, the registered user's contact details are to be used.

If a legal practitioner is representing the party, then the party's name is to be entered, but all other contact details should be those of the practitioner:

### Moving Party

Party Type \*

Individual/Natural Person

☐ Self Represented?

Please use your real name not an Alias

☐ Enter Alias from Court below

☐ This application relates to an application for a protection visa and no alias has previously been allocated

Given Name \*

George

Family Name \*

Smith

Address Line 1 \*

C/- Lawyers Firm

The email address associated with the user creating the lodgment will be automatically included in the email field.

If there was an alias applied in the lower court, then please select the appropriate option and enter that alias in the new field that appears: You should still enter the name of the applicant, then enter the **Alias**, as well.

**Moving Party**

Party Type \*

Individual/Natural Person

☐ Self Represented?

Please use your real name not an Alias

☒ Enter Alias from Court below

☐ This application relates to an application for a protection visa and no alias has previously been allocated

Given Name \*

George

Family Name \*

Smith

Alias

ALIAS

If this application relates to an application for a protection visa, but NO alias was applied in the lower court, please check the box as shown. The DLS will apply a suitable alias to the application upon approval (and that field will be greyed out):

**Moving Party**

Party Type \*

Individual/Natural Person

☐ Self Represented?

Please use your real name not an Alias

☐ Enter Alias from Court below

☒ This application relates to an application for a protection visa and no alias has previously been allocated

Given Name \*

George

Family Name \*

Smith

Alias

Applicant

Complete all remaining contact details required for the applicant, then select **Submit** at the bottom of the **Moving Party** window.

You should now see the summary of the applicant's details in the main window. If there are additional applicants, use the **Add Party** button to continue entering each applicant's details separately.

**Applicant**

Quick Search...

Party Type	Name	Email
<input type="checkbox"/> Individual/Natural Person	George Smith	[REDACTED]

Showing 1 to 1 of 1 entries < 1 > 10 Records Per Page

Once all the applicants are entered, click on the **Next** button to enter the details for the responding party.

In the next window, you again click on **Add Party** to enter the respondent's details (as you did above for the applicant). Please enter all party names exactly as they were in the lower court. Ensure that the party type selection is updated where required.

For the **Party Type** field, **Public Authority** means: a body or authority of the Commonwealth or a State or Territory, including parties such as a Minister, government department or the King. There is a list of some of the more common public authorities available in a drop-down list, or you can type the full name if it is not already there.

## Responding Party

**Party Type \***

Public Authority

**Name \***

Select...

- Attorney-General for the Australian Capital Territory
- Attorney-General for the Northern Territory
- Attorney-General for the Northern Territory of Australia
- Attorney-General for the State of New South Wales
- Attorney-General for the State of South Australia
- Attorney-General for the State of Tasmania
- Attorney-General for the State of Victoria
- Attorney-General for the State of Western Australia

If a legal practitioner is representing the respondent, then the respondent's name should be entered but the other contact details should be the practitioner's:

## Responding Party

Party Type \*

Public Authority

Name \*

The King

Address Line 1 \*

C/- Director of Public Prosecutions

If there was an alias applied to a respondent in the lower court, then please select the appropriate option and enter that alias in the new field that appears. You should still enter the name of the respondent, then enter the **Alias**, as well.

If the application relates to an application for a protection visa, but NO alias was applied in the lower court, please check the appropriate box. The DLS will apply a suitable alias upon approval of the application (and that field will be greyed out).

Once all contact details required for the respondent have been completed, select **Submit** from the bottom of the **Responding Party** window.



You should now see the summary of the respondent's details in the main window. If there are additional respondents, use the **Add Party** button to continue entering each respondent's details separately.

If you need to edit the details you have entered for any of the applicants or respondents, click on the party in the list displayed and the data entry screen will reopen for you to update details.

**Respondent**

Quick Search...

<input type="checkbox"/> Party Type	<input type="checkbox"/> Name	<input type="checkbox"/> Email
<input type="checkbox"/> Public Authority	The King	Email@email.Com

Showing 1 to 1 of 1 entries < 1 > 10 Records Per Page



Information about the matter from the court below is required next. Firstly, for **Jurisdiction**, select the appropriate State or Territory from the drop-down list or select Federal (your choice here will limit your options for the next step).

The screenshot shows a progress bar at the top with five steps: Information, Initiating Document, Applicant, Respondent, and Details of the Court below. The 'Details of the Court below' step is active. Below the progress bar, the section 'Tell us about the matter being filed' contains two dropdown menus. The 'Jurisdiction' dropdown is open, showing a list of Australian states and territories: ACT, Federal, NSW, NT, QLD, SA, Tas, and Vic. The 'Lower Court' dropdown is currently closed, showing 'Select...'. Below these dropdowns, there are two empty text input fields labeled 'Medium Neutral Citation'.

Then choose the **Lower Court** from the next drop-down list. If you cannot see the option you need in this list, check that you have selected the correct **Jurisdiction** in the previous step.

This screenshot shows the same 'Details of the Court below' form, but now the 'Lower Court' dropdown menu is open. The 'Jurisdiction' dropdown is now closed and shows 'NSW'. The 'Lower Court' dropdown list includes the following options: Children's Court of New South Wales, District Court of New South Wales, Land and Environment Court of New South Wales, Local Court of New South Wales, Supreme Court of New South Wales, Supreme Court of New South Wales (Court of Appeal), and Supreme Court of New South Wales (Court of Criminal Appeal). The 'Date of Judgement' and 'Judge List' text input fields are also visible below the dropdowns.

Next, use the calendar tool to enter the date the judgment was handed down in the court below:

Enter the judges who made the above decision into the field. Press the **Enter key** after **each** judge's name is entered.

**Judge List**

The list is then able to be checked (if incorrect, a name may be removed by selecting the 'x' and another entered).

Enter the **Medium Neutral Citation** that was assigned to the judgment by the lower court. This will usually include a year in square brackets, an acronym for the lower court, and a unique judgment number:

**Medium Neutral Citation**


The next field is for brief **comments** in relation to the case, such as any concerns you may have about confidentiality. This is also where to indicate any related matters being lodged or on foot. This is a limited text field so any text entered should be kept short.

**Enter comments including related case details**










The last section of this lodgment is for uploading accompanying documents which are required to be lodged at the same time as the Special Leave Application (in accordance with the *High Court Rules 2004*) and other supporting documentation.

Upload each document individually by dragging the files onto the icon (or by clicking on the text below it, navigating to the files and selecting **Open**). You will then need to identify a **Document Type** for each file you have uploaded, from a drop-down list of options. Please select the appropriate document type to ensure the system handles it correctly. You may also add brief extra info in the **Description** field about each file, if needed (for example, to identify that an affidavit is to support an extension of time being requested).

Please add your documents in support here: \*












Click or drag file to this area to upload

File name	Type *	Description	
3. Order Court below1_48P...	Sealed order of the Court below ▾	Please Enter Description	View 
4_Reasons Court belowXKG_...	Reasons for decision of the Court below ▾	Please Enter Description	View 
5. Notice of Appeal CoA.p...	Notice of Appeal / leave to appeal Court below ▾	Please Enter Description	View 
6. Sealed order Primary C...	Sealed order of the primary Court ▾	Please Enter Description	View 
7. Sentencing Remarks.pdf...	Type <input type="text" value=""/>	Please Enter Description	View 
8. Transcript entry of ve...	Affidavit	Description	View 
9. Transcript Summing up.p...	Application for leave	Description	View 
10. Indictment.pdf...	Application to review / leave	Description	View 
	Complaint / Charges	Description	View 
	Decision of Magistrate		
	Notice of constitutional matter		
	Application		
	Indictment / presentment		

Please provide document type

☐ I accept the Terms & Conditions


As each file is added, a list of documents will be displayed. The **Remove** button can be used where a file has been uploaded in error.

File name	Type *	Description	
3. Order Court below1_48P...	Sealed order of the Court below ▾	Please Enter Description	View 
4_Reasons Court belowXKG_...	Reasons for decision of the Court below ▾	Please Enter Description	View 
5. Notice of Appeal CoA.p...	Notice of Appeal / leave to appeal Court below ▾	Amended 	View 
6. Sealed order Primary C...	Sealed order of the primary Court ▾	Please Enter Description	View 
7. Sentencing Remarks.pdf...	Transcript of remarks on sentencing ▾	Please Enter Description	View 
8. Transcript entry of ve...	Transcript of entry of verdict after trial ▾	Please Enter Description	View 
9. Transcript Summing up.p...	Transcript of summing up / guilty plea ▾	Please Enter Description	View 
10. Indictment.pdf...	Indictment / presentment ▾	Please Enter Description	View 

**NOTE:** an application for exemption from filing and hearing fees or to pay the financial hardship fee is **not** to be uploaded at this point. It can be submitted after the initial invoice is available.

If the document is subject to a non-publication order or a suppression order from the court below, please put a short note in the **Description** field.

Please Upload the Supporting Document \*

  
Click or drag file to this area to upload

File name	Type *	Description	Amended
7. Reasons_for_decision_o...	Reasons for decision of the primary Court ▾	non-publication order applies ⓘ	<input type="checkbox"/>

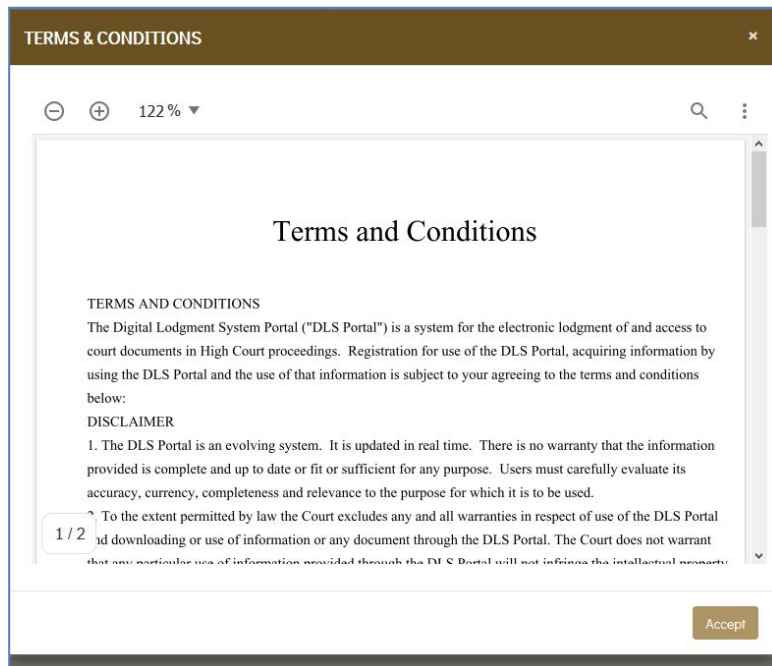
You are then prompted to accept the **Terms & Conditions** and enter your **Digital Signature** to connect your registered account with the matter being lodged. Ensure you enter your name the way it appears in the top right-hand corner of the DLS window you have open.

☒ I accept the Terms & Conditions

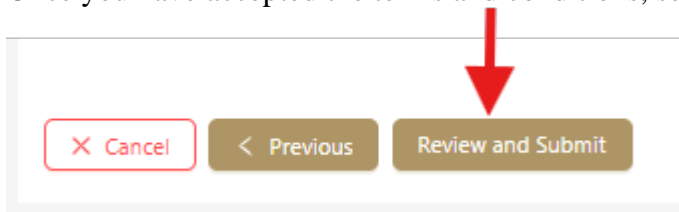
Digital Signature \*

Please ensure the name entered in the Digital Signature matches the name used to register for the DLS, as displayed in the top right hand corner of this screen. This will serve as your Digital Signature and will be recorded as being entered the day you request to Case to be created.

To display the terms and conditions, click on the blue text that says '*I accept the Terms & Conditions*'.



Once you have accepted the terms and conditions, select the **Review and Submit** button.



If there is required information missing, you will see a red message near the missing field.

### Tell us about the matter being filed

Jurisdiction \* Lower Court \*

NSW Select...

Response required.

Please enter the correct digital signature

Conduct a final check to make sure everything is correct. If you need to edit anything, click the relevant edit button and you can make the needed changes.

**Applicant**

Quick Search...

<input type="checkbox"/>	Party Type		Name		Email	
<input type="checkbox"/>	Individual/Natural Person		George Smith		testinghca7@mailinator.com	

Showing 1 to 1 of 1 entries < 1 > 10 Records Per Page

Showing 1 to 1 of 1 entries &lt; 1 &gt; 10 Records Per Page

Edit

**Respondent**

Quick Search...

<input type="checkbox"/>	Party Type		Name		Email	
<input type="checkbox"/>	Public Authority		The King		Email@email.Com	

Showing 1 to 1 of 1 entries &lt; 1 &gt; 10 Records Per Page

Edit

Once the application is complete, click the **Submit** button and wait for it to process.

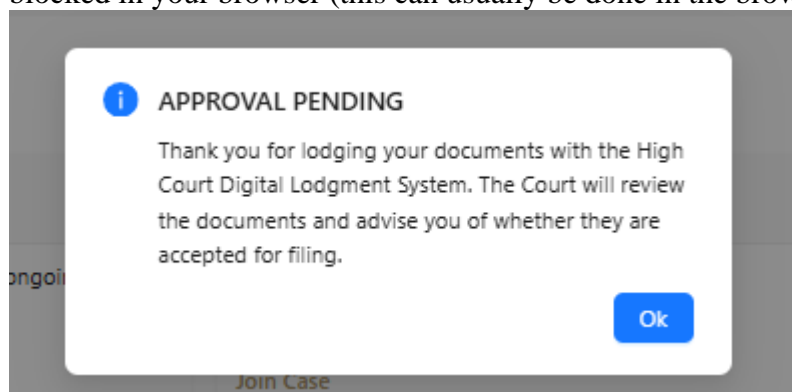
**Digital Signature \***

George Testing

Edit

Cancel Submit

The DLS Portal uses pop-ups to acknowledge lodgment. Please make sure pop-ups are not blocked in your browser (this can usually be done in the browser settings).



Click **Ok** and the matter is now successfully lodged. Once the matter has been reviewed by the Registry you will receive an email.

A payment window where you can pay the fee or apply for a fee exemption, or to pay the financial hardship fee, will appear. The fee is required to be paid, or an exemption granted, before the matter can be accepted for filing.

### Invoice Details


Invoice Number: HCAINV-01205

Fee Type: Form-23, Criminal-Fee for Filing by Individual/Natural Person


Amount Due: **\$170.00**

### Payments

Please make payment of the total amount due using your Mastercard or Visa card.

 **Card Payment**

Card number\*




Cardholder's name\*

Expiry date\*

▼

▼

Card verification code\*



PAY NOW

EFT/OTHER PAYMENT

APPLY FOR FEE EXEMPTION

### IMPORTANT

The above information is intended only as a procedural guide. It is recommended that intending applicants seek legal advice before commencing proceedings and, in any event, intending applicants should familiarise themselves with the requirements of the *High Court Rules 2004* (in particular, Part 41, which deals with applications for special leave) and the relevant legislation relating to their application