

High Court

The Justices of the High Court have issued three new practice directions relating to the provision of authorities and legislation in all matters listed for hearing before the Full Court. These will operate from 8 July, 1996.

The practice directions are as follows:

- **Rescission of Practice Directions relating to the provision of authorities and legislation (Practice Direction 1 of 1986, 1 of 1987 and 2 of 1991).**

Practice Directions 1 of 1986 entitled "Provision of authorities and legislation for Full Court hearings", 1 of 1987 entitled "Provision of authorities and statutory material for civil special leave applications" and 2 of 1991 entitled "Provision of authorities and other materials on circuit" are hereby rescinded.

Practice Direction
No 1 of 1996, 8 July 1996

- **Provision of authorities and legislation for Full Court hearings other than applications for leave or special leave to appeal and applications for removal pursuant to s40 of the *Judiciary Act 1903 (Cth)* (Practice Directions No 2 of 1996)**

Each party or intervener must lodge with the Registrar in Canberra a typewritten list of all cases, text books, articles, legislation and other authorities which counsel intend to cite in any matter *other than an application for leave or special leave to appeal and an application for removal pursuant to s40 of the Judiciary Act 1903 (Cth)*. (See Practice Direction No 3 of 1996.) The list must be lodged at least three (3) clear working days before the day fixed for the hearing of that matter. It must contain only those cases, text books, articles, legislation and authorities from which passages are to be read. 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.

It is essential that the Court have copies of all the sections of legislation which are critical to the determination of the case and which are not set out in the appeal, demurrer, case stated or cause removed book. The party lodging the list must state whether that person intends to provide copies of the legislation (or any relevant section thereof) to the Court at the hearing of the matter.

If it becomes necessary to cite material that is not on the list, nine (9) copies of the material must be provided for the Court.

Because of difficulties of access to reports and statutes while the Court is sitting in Adelaide, Brisbane, Hobart and Perth, counsel are asked to provide seven (7) copies of all reports (other than Commonwealth Law Reports), statutes and other materials from which they intend to read. Counsel should also 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. As to materials to which only reference is to be made, it is unnecessary to do more than identify the material in the list. Counsel are urged to liaise with each other well before the hearing of a matter so as to avoid duplication of photocopies.

Practice Direction
No 2 of 1996, 8 July 1996

- **Provision of Authorities and statutory material for applications for leave or special leave to appeal and applications for removal pursuant to s40 of the *Judiciary Act 1903 (Cth)*.**

If a party intends to refer to any case, text book, article, statute, regulation, or any other material on an application for leave or special leave to appeal or an application for removal pursuant to s40 of the *Judiciary Act 1903 (Cth)*, 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 9.00am 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 in Canberra no later than 9.00am on the working day preceding the hearing of the application.

Practice Direction
No 3 of 1996, 8 July 1996

Magistrates' Courts

Magistrates' Court advises of practice directions issued by the Chief Magistrate governing access to Criminal Court files by parties and members of the public which will apply from 1 July 1995, superceding the memorandum dated 12 October 1995. These guidelines refer to the following:

- Access to Magistrates' Courts files (criminal)
- Access to Magistrates' Courts' files (civil)
- Access to Magistrates' Courts' files (domestic violence)
- Access to Magistrates' Courts' files (work health)
- Interest before date of default judgment
- Ceasing to act

In addition, the Chief Magistrate has issued practice directions for:

- Applications for stay of execution dated 11 July 1996 pursuant to the *Local Court Act*
- and
- Family Court Orders dated 12 July 1996 pursuant to the *Domestic Violence Act*.

The Law Society holds copies of these directions in full.

Interlocutory Applications — Katherine

The Chief Justice of the Supreme Court, pursuant to s72 of the Supreme Court Act, directs that a judge or the Master may conduct interlocutory applications between Darwin and Katherine by means of teleconferencing.

19 June 1996

(continued page 7)