

FEDERAL COURT OF AUSTRALIA

Practice Note No 19

LIST OF AUTHORITIES AND LEGISLATION

PROCEEDINGS GENERALLY

Practice Note No 19 issued on 9 August 2006 is revoked and the following Practice Note is substituted.

This Practice Note applies to all final hearings, including appeals, unless and to the extent that the Court or a judge otherwise orders. It applies to all parties, including those who are not represented by a legal practitioner.

The Court or a judge may direct that this Practice Note also apply to an interlocutory hearing.

1. In this Practice Note:
 - applicant* includes appellant.
 - required number of copies* is the number of copies necessary to provide the Judge (and in a matter before a Full Court, each Judge) with a copy of the document and a copy for the Court file.
2. The applicant must file, and serve on each other party, the required number of copies of its list of authorities and legislation, no later than 4.00 p.m. three clear working days before the hearing date.
3. The respondent must file, and serve on each other party, the required number of copies of its list no later than 4.00 p.m. two clear working days before the hearing date.
4. If a case in the list of authorities has been reported, a reference to the report of the case must be given and, if it has been reported in an authorised series of reports, the reference must be to the report in that series.
5. A reference to a case must include:
 - (a) the name under which the case is reported;
 - (b) its citation;
 - (c) a reference to the relevant page and part of the page (e.g. *A v B* 112 CLR 210 at 212.5] or, if the report contains numbered paragraphs that sufficiently identify the passage relied upon, the relevant paragraph; and
 - (d) the medium neutral citation of the case (if any) and a reference to the relevant paragraph numbers.
6. References to legislation must specify the legislature and the relevant sections, regulations, rules or clauses. If the legislation is to be considered as it was at a particular point of time, the reference should state the point of time.

7. The list of authorities and legislation must be divided into Parts 'A' and 'B'. Part 'A' must contain only authorities and legislation from which passages are to be read. Part 'B' must contain authorities and legislation to which a party might refer, but from which passages are not to be read.
8. The Court will supply for the use of the Judge or Judges hearing the matter up to, but not more than, ten cases on Part 'A' of the list that are reported in the Commonwealth Law Reports, Federal Court Reports, Australian Law Reports and the authorised reports of the Supreme Court of the State or Territory in which the application is to be heard. Where more than ten cases are listed in Part 'A' of the party's list, the party must identify with a single asterisk the ten cases that the party wishes the Court to provide for the Judges.
- 8A. The Court will, unless a contrary indication is given, supply for the use of the Judge or Judges hearing the case a copy of the current compilation of the legislation referred to in Part 'A' of the list. A party wishing to refer to legislation as at a particular point of time must provide the Judge or Judges with a copy of that legislation.
9. A party may identify in Part 'A' up to five cases in addition to those referred to in paragraph 8, to which the party wishes to refer at some length. These cases should be identified by a double asterisk. It is the responsibility of the party to hand up photocopies of those cases (or the relevant parts) for the use of the Judge or Judges during argument.
10. A party who intends to cite from:
 - (a) an unreported case, or
 - (b) the report of a case other than a case reported in the reports mentioned in paragraph 8; or
 - (c) a book,must provide photocopies of the case or of the relevant parts of the book for the use of the Court and each party during argument. A photocopy of part of a book must include a photocopy of the page or pages identifying its author, title, publisher, edition and year of publication.
11. A party may refer to an electronic version of a judgment that has been published in an authorised report, provided that the party has given a reference to the judgment in accordance with paragraphs 4 and 5 and:
 - (a) if the judgment has a medium neutral citation – the passages to be relied upon are identified by paragraph numbers;
 - (b) for any other judgment – the passages to be relied upon are identified by page numbers in the authorised report.

M E J BLACK
Chief Justice
18 April 2008