



High Court Amendment (Electronic Filing and Other Matters) Rules 2019

We, Justices of the High Court of Australia, make the following Rules of Court.

Dated 19 December 2019

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P. A. Lynch
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1 Name

These Rules are the *High Court Amendment (Electronic Filing and Other Matters) Rules 2019*.

2 Commencement

- (1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of these Rules	The day after these Rules are registered.	21 December 2019

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

- (2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

3 Authority

These Rules are made under the following:

- (a) the *Judiciary Act 1903*;
- (b) the *Commonwealth Electoral Act 1918*;
- (c) the *Nauru (High Court Appeals) Act 1976*;
- (d) the *High Court of Australia Act 1979*.

4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Electronic filing

High Court Rules 2004

1 Rule 1.06

Insert:

Fees Regulations means the *High Court of Australia (Fees) Regulation 2012*.

2 Rule 1.07

Repeal the rule, substitute:

1.07 Lodging documents with the Court

1.07.1 Unless the Registrar otherwise directs, a document to be filed in the Court must be lodged with the Court by being sent electronically using the Court's Digital Lodgment System Portal.

Note: For when a document is filed, see rule 1.10.

1.07.2 The following information must also be provided with the document using the Court's Digital Lodgment System Portal:

- (a) if a solicitor prepares the document—the name, postal address, telephone number and email address of the firm, and the name of an individual in the firm who can be contacted in respect of the matter;
- (b) if the party or person on whose behalf the document is to be filed is not represented by a solicitor—the name, postal address, telephone number and email address of the party or person;
- (c) in any case—the capital city of the State or Territory in which the proceedings are to be, or were, commenced.

1.07.3 The person who sends the document must:

- (a) keep a paper or electronic copy of the document; and
- (b) if directed to do so by the Court, a Justice or the Registrar, produce a hard copy of the document.

3 Rule 1.08.1

Repeal the rule, substitute:

1.08.1 Unless these Rules provide otherwise, a document to be filed in the Court must:

- (a) be in clear, sharp, legible and permanent type of at least 12 point size; and
- (b) be in A4 size; and
- (c) have margins of at least 2.5 cm at the top, bottom, left and right sides; and
- (d) have each page numbered and every tenth line on each page numbered in the left margin; and
- (e) be without erasure or alteration that causes material disfigurement; and
- (f) comply with any other requirements relating to formatting specified in a Practice Direction.

4 Rule 1.08.2

Omit “Unless the Rules provide to the contrary, the first page of every document filed in the Court shall”, substitute “Unless these Rules provide otherwise, the first page of a document to be filed in the Court must”.

5 Subparagraph 1.08.2(c)(ii)

Omit “filed; and”, substitute “filed.”.

6 Subparagraphs 1.08.2(c)(iii) and (iv)

Repeal the subparagraphs.

7 Rules 1.08.3 to 1.08.5

Repeal the rules.

8 At the end of Part 1

Add:

1.10 When a document is filed

- 1.10.1 A document is filed in the Court if:
- (a) it has been lodged with the Court in accordance with rule 1.07; and
 - (b) it is accepted in the Registry.
- 1.10.2 A Registrar must not accept a document lodged for filing unless any fee payable under the Fees Regulations for filing the document has been paid.
- 1.10.3 A Registrar must not accept a document lodged for filing if the document is subject to the direction of a Justice under rule 6.07 and the leave referred to in that rule has not been obtained.
- 1.10.4 A Registrar may refuse to accept a document lodged for filing if it appears to the Registrar that the document:
- (a) is not substantially complete; or
 - (b) does not substantially comply with these Rules; or
 - (c) is not properly signed or executed.
- 1.10.5 A document that is accepted in the Registry is taken to have been filed:
- (a) if a fee is payable under the Fees Regulations for filing the document:
 - (i) on the day the fee is received; or
 - (ii) if the fee is not received during the office hours of the office of the Registry at the capital city provided under paragraph 1.07.2(c)—on the next day the office is open; or
 - (b) if no fee is payable under the Fees Regulations for filing the document:
 - (i) on the day the document is received; or
 - (ii) if the document is not received during the office hours of the office of the Registry at the capital city provided under paragraph 1.07.2(c)—on the next day the office is open.
- 1.10.6 If a document is filed in the Court, a Registrar must insert as the first page of the document a page that records the date of filing.

- 1.10.7 If a page has been inserted as the first page of a document in accordance with rule 1.10.6, the page is taken to be part of the document for the purposes of these Rules.

9 Rule 3.01.3

Omit “, or by written alteration to the document and copies of the document which have been filed or served”.

10 Rule 4.06 (heading)

Omit “and Stamps”.

11 Paragraph 4.06.2(ca)

Repeal the paragraph.

12 Rules 4.06.3 and 4.06.4

Repeal the rules.

13 Rule 4.07

Repeal the rule, substitute:

4.07 Custody of and access to documents and records

- 4.07.1 The Registrar is to have the custody of:
- (a) each document issued by or filed in the Court; and
 - (b) the records of the Court kept in the Registry.
- 4.07.2 The Registrar must keep proper indexes to the documents issued by or filed in the Court.
- 4.07.3 The Registrar must keep a record of:
- (a) all documents issued by or filed in the Court showing the dates the documents were issued or filed; and
 - (b) all steps taken in each application and proceeding in the Court showing the dates the steps were taken.
- 4.07.4 The Registrar may give a person electronic access to a document issued by or filed in the Court except:
- (a) affidavits and exhibits to affidavits that have not been received in evidence in Court; or
 - (b) documents containing information disclosing the identity of a person where disclosure of the identity of that person is prohibited, whether by Act, order of the Court or otherwise; or
 - (c) documents containing information to which a suppression order, a non-publication order, or any other confidentiality order, made by a court applies; or
 - (d) documents containing information in relation to which an application for an order referred to in paragraph (c) has been made but has not yet been determined;
- if any fee payable under the Fees Regulations in relation to searching or inspecting the document has been paid.

-
- 4.07.5 Records referred to in rules 4.07.1 and 4.07.3, and indexes referred to in rule 4.07.2, may be kept by electronic means.
- 4.07.6 A subpoena for production of a document in the custody of the Registrar must not be issued.

14 Rule 5.01.1

Omit “shall file a notice of a constitutional matter in the office of the Registry in which the proceeding is pending”, substitute “must file a notice of a constitutional matter”.

15 Subparagraph 5.02.2(b)(iii)

Omit “date” (wherever occurring), substitute “day”.

16 Rule 5.03

Repeal the rule, substitute:

5.03 Affidavit of service

- 5.03.1 The party, intervener, or applicant for leave to intervene or appear who serves the notice of a constitutional matter must file an affidavit of service of the notice, proving compliance with rule 5.02, within 2 days after service and no later than 2 days before the day fixed for the hearing of the proceeding.
- 5.03.2 Rule 5.03.1 has effect subject to rule 9.04A.3.

17 Paragraph 5.04.1(a)

Omit “in an office of the Registry”.

18 Paragraphs 6.02.5(a) and (b)

Repeal the paragraphs, substitute:

- (a) if a new solicitor for the party files a notice of change of solicitor and serves on every other party a copy of that notice stating a new address for service of the party; or
- (b) if the party files a notice that the solicitor has ceased to act for that party and serves on every other party a copy of that notice stating a new address for service; or

19 Rule 6.02.7

Omit “the new”, substitute “a new”.

20 Rule 6.03

Omit “rule 13.04, the written opinion shall be then”, substitute “rules 13.04 and 25.09.2, the written opinion must be”.

21 Rule 6.05

Omit “shall be taken off”, substitute “is to be removed from”.

22 Rule 7.01.2

Repeal the rule, substitute:

- 7.01.2 A return of service or execution of a document or process must be made by filing the document or process with a certificate, signed by the Marshal or deputy, stating what was done.

23 Rule 8.04.5

Omit “rule 8”, substitute “rule 8.04.1”.

24 Rule 9.04.1

Omit “9.04.1”.

25 Paragraphs 9.04.1(c) and (d)

Repeal the paragraphs.

26 Paragraph 9.04.1(e)

Repeal the paragraph, substitute:

- (e) sending it by email to the person’s address for service.

27 Rule 9.04.2

Repeal the rule.

28 After rule 9.04

Insert:

9.04A Service by notification from the Court

- 9.04A.1 A requirement under these Rules for a document (other than an originating process) to be served on a party is taken to have been met if an email containing a statement to the effect that the document has been filed is sent by the Registry to:
- (a) the email address for service of the party to be served; and
 - (b) the email address for service of the party who would, apart from this rule, be required to serve the document.
- 9.04A.2 If an email relating to a document is sent to a party in accordance with rule 9.04A.1, the document is taken to be served on the party:
- (a) if the email was sent during the office hours of the office of the Registry at the capital city provided under paragraph 1.07.2(c) when the document was filed—on the day the email was sent; or
 - (b) if the email was sent outside those office hours—on the next business day after the email was sent.
- 9.04A.3 An affidavit of service is not required in relation to a document that is served on a party in accordance with rule 9.04A.1.

29 Rules 9.05 and 9.06

Repeal the rules, substitute:

9.05 Address for service

- 9.05.1 Subject to rule 9.05.3, each of the following is an address for service of a party commencing a proceeding in the Court:

-
- (a) the postal address referred to in rule 1.07.2 provided with the originating process;
- (b) the email address referred to in rule 1.07.2 provided with the originating process.
- 9.05.2 Subject to rule 9.05.3, each of the following is an address for service of a party against whom proceedings have been commenced in the Court:
- (a) the postal address referred to in rule 1.07.2 provided with the party's notice of appearance, submitting appearance or conditional appearance;
- (b) the email address referred to in rule 1.07.2 provided with the party's notice of appearance, submitting appearance or conditional appearance.
- 9.05.3 If an address for service of a party under rule 9.05.1 or 9.05.2 has been changed under rule 6.02.5, 6.02.7 or 9.06, the address for service of the party is that address as most recently changed.

9.06 Change of address for service

A party may change an address for service of the party by filing and serving on each other party to the proceeding notice of the new address for service.

30 Rule 13.02.1

Omit "made by summons".

31 Rule 13.02.2

Omit "summons" (wherever occurring), substitute "application".

32 Paragraph 13.03.3(b)

Omit "a summons", substitute "an application".

33 Paragraph 13.03.3(c)

Omit "the summons", substitute "the application".

34 Rule 20.02

Repeal the rule.

35 Rule 21.09.4

Repeal the rule, substitute:

- 21.09.4 An application for leave under rule 21.09.3 must:
- (a) be in Form 21; and
- (b) be served personally on the person against whom enforcement of the judgment or order is sought.

36 Rule 23.01.4

Repeal the rule.

37 Rule 23.03.4

Repeal the rule, substitute:

- 23.03.4 An application under rule 23.03.3 must:
- (a) be in Form 21; and

(b) be filed within 14 days after the day the conditional appearance is filed.

38 Rule 23.04.1

Repeal the rule.

39 Rule 23.04.2

Omit “23.04.2”.

40 Rule 23.04.2

Omit “stamped”.

41 Paragraph 25.12.2(b)

Omit “issue a summons requiring”, substitute “require”.

42 Rule 26.01.4

Repeal the rule.

43 Rule 26.04.6

Repeal the rule.

44 Rule 26.05.4

Repeal the rule.

45 Paragraph 26.10.2(b)

Omit “issue a summons requiring”, substitute “require”.

46 At the end of paragraphs 27.01(a) to (d)

Add “and”.

47 Paragraph 27.01(e)

Repeal the paragraph.

48 Rule 27.06

Repeal the rule, substitute:

27.06 Application for directions

27.06.1 No later than 14 days after the time referred to in paragraph 27.01(d) for a defendant to file a notice of appearance, the plaintiff must file and serve on all other parties (whether or not those parties have appeared) an application for directions.

27.06.2 The application must be in Form 21.

27.06.3 The plaintiff must file and serve with the application an outline of the submissions that the plaintiff wishes to make on the hearing of the application. The outline must:

- (a) state why the matter should not be remitted to another court or, if the plaintiff submits that it should be remitted, identify the Court to which it should be remitted; and

-
- (b) state what further steps, if any, should be taken in the Court (whether by way of reference of a question of law to a Full Court or otherwise); and
 - (c) specify the times by which, and manner in which, further steps in the Court are to be taken; and
 - (d) set out the precise terms of the orders which the plaintiff submits should be made on the application.

27.06.4 On hearing the application, a Justice may give such directions for the further conduct of the proceeding as appear necessary or desirable for the just and efficient disposition of the matter.

49 Paragraph 27.07.6(b)

Omit “a summons”, substitute “an application in Form 21”.

50 Rule 27.08.6

Repeal the rule, substitute:

- 27.08.6 The special case must:
- (a) be prepared by the plaintiff; and
 - (b) be signed by the parties or their counsel or their solicitors; and
 - (c) be filed and served on each party to the proceeding who has filed an appearance.

51 Rule 27.10.5

Repeal the rule, substitute:

- 27.10.5 The plaintiff must serve the notice of discontinuance on each other party on the day it is filed.

52 Rule 30.03.1

Omit “in the Registry in the State or Territory in which the election was held”.

53 Rule 32.01

Repeal the rule, substitute:

32.01 Application for directions

- 32.01.1 Within 14 days after a person has filed notice of appearance to a petition, the petitioner must file and serve on all parties (whether or not they have appeared) an application for directions.
- 32.01.2 The application must be in Form 21.
- 32.01.3 The petitioner must file and serve with the application an outline of the submissions which the petitioner wishes to make on the hearing of the application. The outline must:
- (a) state why the matter should not be remitted to the Federal Court of Australia; and
 - (b) state what further steps, if any, should be taken in the Court (whether by way of reference of a question of law to a Full Court or otherwise); and
 - (c) specify the times by which, and manner in which, further steps in the Court are to be taken; and

(d) set out the precise terms of the orders which the petitioner submits should be made on the application.

32.01.4 On the hearing of the application, a Justice may give such directions for the further conduct of the petition as appear necessary or desirable for the just and efficient disposition of the matter.

54 Rule 41.01.5

Repeal the rule.

55 Rule 41.02.3

Repeal the rule.

56 Rule 41.03.1

Omit “in any manner provided by these Rules for the service of documents, or by leaving a copy at the address for service, if any, of the parties to be served in the proceedings in the court below,”.

57 Rule 41.07.6

Repeal the rule, substitute:

41.07.6 Within 21 days after the time fixed for filing and serving a reply, or such other time as a Justice or the Registrar may direct, the applicant must:

- (a) prepare and file the application book; and
- (b) serve the application book on each respondent who filed a notice of appearance.

58 Paragraph 41.11.2(b)

Omit “issue a summons requiring”, substitute “require”.

59 Rule 42.04

Repeal the rule.

60 Rule 42.05.4

Omit “or by leaving a copy at the address for service, if any, of the parties to be served in the proceedings from which the appeal is brought”.

61 Rule 42.10

Repeal the rule, substitute:

42.10 Documents

Unless a Justice or the Registrar otherwise orders, the appellant must, when the notice of appeal is filed, file a list of all exhibits tendered before the primary judge and the court below.

62 Rule 42.13.3

Omit “printed or”.

63 Rule 42.13.4

Omit “and printed on both sides of the sheet”.

64 Rule 42.13.5

Omit “bound in separate volumes of not more than 500 pages (that is 250 sheets)”, substitute “reproduced in separate volumes of not more than 500 pages”.

65 At the end of subparagraph 42.13.6(a)(iii)

Add “and”.

66 Subparagraphs 42.13.6(a)(iv) to (vii)

Repeal the subparagraphs.

67 Rule 42.13.7

Repeal the rule, substitute:

42.13.7 Each page of the core appeal book must have a 2.5 cm margin on each side and every tenth line must be numbered in the left margin.

68 Rule 42.13.8

Repeal the rule.

69 Paragraphs 42.13.10(a) and (b)

Repeal the paragraphs, substitute:

- (a) file the core appeal book; and
- (b) serve the core appeal book on each respondent who has filed a notice of appearance.

70 Rule 42.15.2

Omit “issue a summons requiring”, substitute “require”.

71 Paragraphs 44.02.1(a) and (b)

Repeal the paragraphs, substitute:

- (a) file its written submissions, not exceeding 20 pages, and chronology; and
- (b) serve each document on the respondent and any intervener.

72 Paragraphs 44.02.4(a) and (b)

Repeal the paragraphs, substitute:

- (a) file, with its written submissions, an indexed book of the further material;
and
- (b) serve, with its written submissions, the indexed book of the further material on the respondent and any intervener.

73 Paragraphs 44.03.1(a) and (b)

Repeal the paragraphs, substitute:

- (a) file its written submissions, not exceeding 20 pages; and
- (b) serve the written submissions on the appellant and any intervener.

74 Paragraphs 44.03.4(a) and (b)

Repeal the paragraphs, substitute:

- (a) file, with its written submissions, an indexed book of the respondent’s further material; and

- (b) serve, with its written submissions, the indexed book of the respondent's further material on the appellant and any intervener.

75 Paragraphs 44.04.1(a) and (b)

Repeal the paragraphs, substitute:

- (a) file its written submissions, not exceeding 20 pages; and
- (b) serve the written submissions on each party and any other intervener.

76 Paragraph 53.04.1(a)

Omit "summon and".

77 Paragraph 53.04.1(d)

Omit "issue summonses to", substitute "require the attendance of".

78 Paragraph 53.05(b)

Omit "copies of bills of costs", substitute "the bill of costs".

79 Rule 54.01

Repeal the rule, substitute:

54.01 Commencing taxation

Taxation of costs is commenced by the party whose costs are to be taxed:

- (a) filing the bill of costs to be taxed; and
- (b) within 7 days after filing the bill, serving the bill on the party liable to pay the costs.

80 Paragraph 56.02(f)

Repeal the paragraph, substitute:

- (f) scanning the document;
- (g) lodging the document;
- (h) any other administrative task relating to the preparation, transmission (by any means) or lodgment of the document.

81 Rule 57.01.2

Repeal the rule, substitute:

57.01.2 If a party has indorsed a bill with a request under rule 57.01.1:

- (a) the party filing the bill must, within 7 days after filing the bill, serve the bill and each of the documents referred to in rule 54.02.4 on each other party to the taxation; and
- (b) the party filing the bill must, within 7 days after filing the bill, file an affidavit deposing to the time and manner of the service required by paragraph (a); and
- (c) the Taxing Officer must not make the estimate requested until at least 14 days after the bill is filed.

82 Rule 57.05.2

Omit "a summons", substitute "an application".

Schedule 2—Forms

High Court Rules 2004

1 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Forms

Note: See rule 1.09.

Forms		
Title	Form	Rule
Notice of a constitutional matter	1	5.01.3
Notice of intervention	1A	5.04.2
Judgment	2	8.01.1
Order	3	8.01.2
Consent	4	8.04.2
Arrest warrant	5	11.03.2
Committal warrant	6	11.03.3
Notice of appearance	7	23.01.3 26.03 31.01.1 41.04 42.06.2
Submitting appearance	8	23.02 26.03 41.04 42.06.3
Conditional appearance	9	23.03.2
Subpoena to give evidence	10	24.02.2
Subpoena to give evidence and produce documents	11	24.02.3
Application for a constitutional or other writ	12	25.01.1
Response to application for a constitutional or other writ	12A	25.07.2
Writ of mandamus	13	25.13.2
Writ of prohibition	14	25.14
Writ of certiorari	15	25.15
Writ of habeas corpus	16	25.16.2
Application for removal	17	26.01.1
Response to application for removal	18	26.04.2
Writ of summons	20	27.01
Application	21	6.06.1 13.02.1 21.09.4 23.03.4 27.06.2

Schedule 2 Forms

Forms		
Title	Form	Rule
		27.07.6
		32.01.2
		57.05.2
Election petition	22	30.01
Application for leave or special leave to appeal	23	41.01.1
Response to application for leave or special leave to appeal	23A	41.05.3
Notice of appeal	24	42.02.1
Notice of discontinuance	25	26.08.1
		41.09.1
		42.14.1
Notice of cross-appeal	26	42.08.2
Notice of contention	27	42.08.5
Appellant's submissions	27A	44.02.2
Appellant's chronology	27B	44.02.3
Intervener's submissions	27C	44.04.4
Respondent's submissions	27D	44.03.3
Appellant's reply	27E	44.05.5
Outline of oral submissions	27F	44.08.2
Bill of costs	28	54.02.1
Certificate of taxation	29	57.04.3
Ex parte application for leave to institute a proceeding	30	6.06.3
Ex parte application for leave to issue or file	31	6.07.3

Form 1—Notice of constitutional matter

Note: See rule 5.01.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent**NOTICE OF A CONSTITUTIONAL MATTER**

1. The [*party whose case raises the matter e.g. plaintiff, appellant, etc.*] gives notice that this proceeding involves a matter arising under the Constitution or involving its interpretation within the meaning of Section 78B of the *Judiciary Act 1903*.
2. [*State the nature of the matter (e.g. the constitutional issue which is said to arise.)*]
3. [*State the facts showing the matter is one to which Section 78B of the Judiciary Act 1903 applies.*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Party*
or Legal Practitioner]

To: The other party
[*Firm name or Party is self-represented*][*Attorneys-General of the Commonwealth, the States, the Australian Capital Territory and the Northern Territory*]

Form 1A—Notice of intervention

Note: See rule 5.04.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

NOTICE OF INTERVENTION

1. The Attorney-General of [*the Commonwealth of Australia or the name of a State or Territory*] gives notice of the Attorney-General's intervention in this proceeding under Section 78A of the *Judiciary Act 1903*.
2. [*If applicable, state that the Attorney-General intervenes in support of the position of [specify relevant appellant/plaintiff or respondent/defendant].*]
3. The Attorney-General of [*the Commonwealth of Australia or the name of a State or Territory*] is represented by [*Firm name*].

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Attorney-General or
Legal Practitioner*]

Form 2—Judgment

Note: See rule 8.01.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN: AB
Plaintiff/Appellant/Applicant
and
CD
Defendant/Respondent

JUDGMENT

JUSTICE[S]:

DATE GIVEN:

INITIATING PROCESS: *[State whether by application or appeal.]*

APPEARANCES: *[Set out names of persons who appeared; state whether counsel or solicitor and whom they represented; state the non-appearance of any person entitled to appeal who did not.]*

THE JUDGMENT OF THE COURT IS:

DATE AUTHENTICATED

.....
Registrar

Form 3—Order

Note: See rule 8.01.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN: AB
Plaintiff/Appellant/Applicant
and
CD
Defendant/Respondent

ORDER

JUSTICE[S]:

DATE GIVEN:

INITIATING PROCESS: *[State whether by application or appeal.]*

APPEARANCES: *[Set out names of persons who appeared; state whether counsel or solicitor and whom they represented; state the non-appearance of any person entitled to appear who did not.]*

THE COURT ORDERS THAT:

DATE AUTHENTICATED

.....
Registrar

Form 4—Consent

Note: See rule 8.04.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

CONSENT

We consent to the making of the following order[s] in this proceeding:

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Plaintiff/Appellant/Applicant
or Legal Practitioner*]

.....(signed).....
[*Defendant/Respondent
or Legal Practitioner*]

Form 5—Arrest warrant

Note: See rule 11.03.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

ARREST WARRANT

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO THE MARSHAL

Arrest [*name*] and bring that person before the Court [or a Justice] forthwith to answer a charge of contempt. If it is not practicable to bring [*name*] before the Court forthwith detain him/her in custody and, when it is practicable to bring him/her before the Court, do so forthwith.

Dated [*e.g. 6 October 2019*]

.....(signed).....
Justice

Form 6—Committal warrant

Note: See rule 11.03.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

COMMITTAL WARRANT

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO THE MARSHAL

TAKE [*name*] to the prison at [*address of prison*] and deliver him/her to the Governor of that prison.

OR

ARREST [*name*] and take him/her to the prison at [*address of prison*] and deliver him/her to the Governor of that prison.

.....(signed).....
Justice

TO THE GOVERNOR of the prison at [*address of prison*]

RECEIVE [*name*] into your custody and keep him/her until the further order of the Court.

[*Name's*] committal is for contempt of Court in that [*state nature of contempt*].

Dated [*e.g. 6 October 2019*]

.....(signed).....
Justice

Form 7—Notice of appearance

Note: See rules 23.01.3, 26.03, 31.01.1, 41.04 and 42.06.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Petitioner/Applicant

and

CD
Defendant/Respondent

NOTICE OF APPEARANCE

The [*defendant/respondent*] [CD] appears.

[CD] is represented by [*Firm name*].

OR

[CD] is self-represented.

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Defendant/Respondent
or Legal Practitioner*]

Form 8—Submitting appearance

Note: See rules 23.02, 26.03, 41.04 and 42.06.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

SUBMITTING APPEARANCE

The [*defendant/respondent*] [CD] submits to any order the Court may make in this matter save as to costs.

[CD] is represented by [*Firm name*].

OR

[CD] is self-represented.

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Defendant/Respondent
or Legal Practitioner*]

Form 9—Conditional appearance

Note: See rule 23.03.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

CONDITIONAL APPEARANCE

The [*defendant/respondent*] [CD] enters a conditional appearance in this matter.

[CD] is represented by [*Firm name*].

OR

[CD] is self-represented.

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Defendant/Respondent
or Legal Practitioner*]

Form 10—Subpoena to give evidence

Note: See rule 24.02.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

SUBPOENA

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

OF [*address*]

YOU ARE SUMMONED to attend and produce this subpoena before the Court [or a Justice] at [*address of Court*] on [*date*] at [*time*] or, if notice of a later day is given to you by the party who requested the issue of the subpoena, or by the solicitor for that party, on that later day, and until you are excused from further attending.

Dated [*e.g. 6 October 2019*]

.....(signed).....
Registrar

This subpoena was issued at the request of [*name of party*], who is represented by [*Firm name*] OR who is self-represented.

Form 11—Subpoena to give evidence and produce documents

Note: See rule 24.02.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

SUBPOENA

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

OF [address]

YOU ARE SUMMONED to attend and produce this subpoena and the other documents and things specified in the Schedule before the Court [or a Justice] at [address of Court] on [date] at [time] or, if notice of a later day is given to you by the party who requested the issue of the subpoena, or by the solicitor for that party, on that later day, and until you are excused from further attending.

Schedule

[description of documents and things to be produced]

Dated [e.g. 6 October 2019]

.....(signed).....
Registrar

This subpoena was issued at the request of [name of party], who is represented by [Firm name] OR who is self-represented.

Form 12—Application for a constitutional or other writ

Note: See rule 25.01.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant**APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT**

The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

Part I: [The precise orders sought, including any extension of time sought.]

Part II: [A concise statement of the grounds of the application.]

Part III: [Reasons why the application should not be remitted to another court or, if the plaintiff submits that it should be remitted, identify the court to which it should be remitted.]

Part IV: [A brief statement of the factual background to the application.]

Part V: [A brief statement of the plaintiff's argument in support of the application.]

Part VI: [Any reasons why an order for costs should not be made in favour of the defendant in the event that the application is refused.]

Part VII: [A list of the authorities on which the plaintiff relies, identifying the paragraphs at which the relevant passages appear.]

Part VIII: [The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]

Dated [e.g. 6 October 2019]

.....(signed).....
[Plaintiff
or Legal Practitioner]

To: The Defendant

[Firm name (if known) or Defendant is self-represented]

TAKE NOTICE: Before taking any step in the proceeding you must, within **14 DAYS** from service of this application enter an appearance and serve a copy on the plaintiff.

The plaintiff is represented by *[Firm name]*.

OR

The plaintiff is self-represented.

Form 12A—Response to application for a constitutional or other writ

Note: See rule 25.07.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

RESPONSE TO APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT

- Part I: [Reasons why the orders sought by the plaintiff should/should not be made.]
- Part II: [Reasons why the application should/should not be remitted to another court or referred in whole or in part for hearing by a Full Court.]
- Part III: [A brief statement of the factual issues in contention.]
- Part IV: [A brief statement of the defendant's argument.]
- Part V: [Any special order for costs sought by the defendant.]
- Part VI: [A list of the authorities on which the defendant relies, identifying the paragraphs at which the relevant passages appear.]
- Part VII: [The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]

Dated [e.g. 6 October 2019]

.....(signed).....
[Defendant
or Legal Practitioner]

The respondent is represented by [Firm name].

OR

The respondent is self-represented.

Form 13—Writ of mandamus

Note: See rule 25.13.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

WRIT OF MANDAMUS

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

To: [Name]
[Address]

THIS WRIT COMMANDS you to [*set out act to be done*].

YOU ARE REQUIRED TO make a return to this Writ by filing an affidavit on or before [*date*] deposing to whether you have done what you are commanded to do by this Writ or why it has not been done.

TAKE NOTICE that disobeying this Writ is a contempt of Court which may be punished by imprisonment, fine or both.

Dated [*e.g. 6 October 2019*]

.....(signed).....
Registrar

Form 14—Writ of prohibition

Note: See rule 25.14.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

WRIT OF PROHIBITION

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

To: [Name]
[Address]

THIS WRIT PROHIBITS YOU from further proceeding [*state what is prohibited*].

Dated [*e.g. 6 October 2019*]

.....(signed).....
Registrar

Form 15—Writ of certiorari

Note: See rule 25.15.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

WRIT OF CERTIORARI

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

To: [Name]
[Address]

THIS WRIT REQUIRES you on or before [date] to send to the High Court of Australia [City] Registry at [address] [state the record or decision to be quashed] together with this Writ for that Court to deal with as it sees fit.

Dated [e.g. 6 October 2019]

.....(signed).....
Registrar

Form 16—Writ of habeas corpus

Note: See rule 25.16.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant

WRIT OF HABEAS CORPUS

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

To: [Name]
[Address]

HAVE the plaintiff [*or name of person detained*] before Justice [*name*] at [*address of Court*] at [*time*] on [*date*] and thereafter to submit to the further order of the Court or a Justice as to the custody of that person (the *detainee*).

YOU ARE REQUIRED to make a return to this Writ by filing an affidavit deposing to the ground or grounds of detention of the detainee and serving a copy on the plaintiff on or before the time referred to above.

TAKE NOTICE that disobeying this Writ is a contempt of Court which may be punished by imprisonment, fine or both.

Dated [*e.g. 6 October 2019*]

.....(signed).....
Registrar

Form 17—Application for removal

Note: See rule 26.01.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Applicant

and

CD
Respondent

APPLICATION FOR REMOVAL

The applicant applies for an order under section 40 of the *Judiciary Act* 1903 removing [*the whole or part*] of the cause now pending in the [*court in which cause pending*] which is proceeding number [*number of proceeding in court in which cause pending*] between [*name all parties to cause pending*].

Part I: [*The precise order sought.*]

Part II: [*A concise statement of the constitutional or other question.*]

Part III: [*A brief statement of the factual background to the application.*]

Part IV: [*A brief statement of the applicant's argument in support of the removal.*]

Part V: [*Any reasons why an order for costs should not be made in favour of the respondent in the event that the application is refused.*]

Part VI: [*A list of the authorities on which the applicant relies, identifying the paragraphs at which the relevant passages appear.*]

Part VII: [*The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Applicant
or Legal Practitioner*]

To: The Respondent
[*Firm name (if known) or Respondent is self-represented*]

TAKE NOTICE: Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance and serve a copy on the applicant.

The applicant is represented by [*Firm name*].

OR

The applicant is self-represented.

Form 18—Response to application for removal

Note: See rule 26.04.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Applicant

and

CD
Respondent

RESPONSE

Part I: [Reasons why an order for removal should/should not be made.]

Part II: [A brief statement of the factual issues in contention.]

Part III: [A brief statement of the respondent's argument.]

Part IV: [Any special order for costs sought by the respondent.]

Part V: [A list of the authorities on which the respondent relies, identifying the paragraphs at which the relevant passages appear.]

Part VI: [The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]

Dated [e.g. 6 October 2019]

.....
[Respondent
or Legal Practitioner]

The respondent is represented by [Firm name].

OR

The respondent is self-represented.

Form 20—Writ of summons

Note: See rule 27.01.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff

and

CD
Defendant**WRIT OF SUMMONS**

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO THE DEFENDANT

*[Defendant's name]**[Firm name (if known) or Defendant is self-represented]*

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this Writ.

IF YOU INTEND TO DEFEND the proceeding you must file a notice of appearance.

IF YOU ARE WILLING TO SUBMIT to any order that the Court may make, save as to costs, you may file a submitting appearance.

THE TIME FOR FILING AN APPEARANCE is as follows:

- (a) where you are served with the application within Australia—14 days from the date of service;
- (b) in any other case—42 days from the date of service.

EITHER

The nature of the claim made and the relief which the plaintiff seeks are as follows:

[state nature of claim and relief]

OR

STATEMENT OF CLAIM

[*set out Statement of Claim*]

Dated [*e.g. 6 October 2019*]

.....(signed).....

[*Plaintiff
or Legal Practitioner*]

The plaintiff is represented by [*Firm name*].

OR

The plaintiff is self-represented.

Form 21—Application

Note: See rules 6.06.1, 13.02.1, 21.09.4, 23.03.4, 27.06.2, 27.07.6, 32.01.2 and 57.05.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

APPLICATION

To: [identify party]
[Firm name or Party is self-represented]

The [party making the application] makes an application for [set out the orders sought].

The [party making the application] relies on the affidavit of [name of deponent] sworn or affirmed on [date] filed in support of the application.

Dated [e.g. 6 October 2019]

.....(signed).....
[Party making the application
or Legal Practitioner]

Form 22—Election petition

Note: See rule 30.01.

IN THE HIGH COURT OF AUSTRALIA
SITTING AS THE COURT OF DISPUTED RETURNS

[] REGISTRY

BETWEEN:

AB
Petitioner

and

CD
Respondent

ELECTION PETITION

This petition concerns the election for [*details of election or return challenged*] held on [*date on which the election was held*].

RETURN OF WRIT

The writ for the election was returned on [*date*].

ENTITLEMENT TO FILE THIS PETITION

The petitioner is entitled to file this petition because [*set out the bases of entitlement*].

STATEMENT OF FACTS

[*Set out the facts relied on to invalidate the election or return, setting out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief.*]

RELIEF

The petitioner asks the Court to make the following orders:

[*details of orders and relief sought*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Petitioner
or Legal Practitioner*]

IN THE PRESENCE OF:

.....
Signed by Witness

.....
Signed by Witness

.....
Name of Witness

.....
Name of Witness

.....
Occupation of Witness

.....
Occupation of Witness

.....
Address of Witness

.....
Address of Witness

To: The Respondent
 [*Firm name (if known) or Respondent is self-represented*]

The petitioner is represented by [*Firm name*].

OR

The petitioner is self-represented.

Form 23—Application for leave or special leave to appeal

Note: See rule 41.01.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Applicant

and

CD
Respondent

APPLICATION FOR [LEAVE OR] SPECIAL LEAVE TO APPEAL

The applicant applies for [*leave or*] special leave to appeal from [*state part or whole*] of the judgment of [*state Court, Justice or Judge below*] given on [*state date*].

[*If applicable, include the following statement [The applicant seeks an order that compliance with the time limited by rule 41.02.1 be dispensed with.]*]

Part I: [*The proposed grounds of appeal and the orders that will be sought if leave or special leave is granted.*]

Part II: [*A concise statement of the leave or special leave questions said to arise.*]

Part III: [*A brief statement of the applicant's argument in support of the grant of leave or special leave.*]

Part IV: [*Any reasons why an order for costs should not be made in favour of the respondent in the event that the application is refused.*]

Part V: [*A list of the authorities on which the applicant relies, identifying the paragraphs at which the relevant passages appear.*]

Part VI: [*The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.*]

Dated [*e.g. 6 October 2019*]

.....
[*Applicant
or Legal Practitioner*]

To: The Respondent
 [*Firm name (if known) or Respondent is self-represented*]

TAKE NOTICE: Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance and serve a copy on the applicant.

The applicant is represented by [*Firm name*].

OR

The applicant is self-represented.

Form 23A—Response to application for leave or special leave to appeal

Note: See rule 41.05.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Applicant

and

CD
Respondent

RESPONSE

Part I: [Reasons why leave or special leave should/should not be granted.]

Part II: [A brief statement of any factual issues in contention.]

Part III: [A brief statement of the respondent's argument.]

Part IV: [Any special order for costs sought by the respondent.]

Part V: [A list of the authorities on which the respondent relies, identifying the paragraphs at which the relevant passages appear.]

Part VI: [The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]

Dated [e.g. 6 October 2019]

.....(signed).....
[Respondent
or Legal Practitioner]

The respondent is represented by [Firm name].

OR

The respondent is self-represented.

Form 24—Notice of appeal

Note: See rule 42.02.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRYON APPEAL FROM THE [*name of Court appealed from*]
[*or where applicable, from a Justice*]

BETWEEN:

AB
Appellant

and

CD
Respondent**NOTICE OF APPEAL**

1. The appellant appeals [pursuant to special leave to appeal granted on [date]] from [*state whether whole or part and which part*] of the judgment of [*state Court or Judge below*] given on [date].

Grounds

2. [*State briefly the grounds of appeal.*]

Order[s] sought

3. [*State the judgment sought in lieu of that appealed from including any special order as to costs.*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Appellant*
or Legal Practitioner]

TO: The Registrar
[*Court appealed from*]AND TO: The Respondent
[*Firm name (if known) or Respondent is self-represented*]

Schedule 2 Forms

The appellant is represented by [*Firm name*].

OR

The appellant is self-represented.

Form 25—Notice of discontinuance

Note: See rules 26.08.1, 41.09.1 and 42.14.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Applicant/Appellant

and

CD
Respondent

NOTICE OF DISCONTINUANCE

The [*applicant/appellant*] discontinues this [*application/appeal*].

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Applicant/Appellant*
or *Legal Practitioner*]

To: The Respondent
[*Firm name or Respondent is self-represented*]

Form 26—Notice of cross-appeal

Note: See rule 42.08.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

ON APPEAL FROM THE [*name of Court appealed from*]
[*or, where applicable, from a Justice*]

BETWEEN:

AB
Appellant

and

CD
Respondent

NOTICE OF CROSS-APPEAL

1. Subject to the grant of special leave, the respondent cross-appeals from [*state whether whole or part and which part*] of the judgment of [*state Court or Judge below*] given on [*date*].

Grounds

2. [*State briefly the grounds of cross-appeal.*]

Order[s] sought

3. [*State the judgment sought in lieu of that appealed from.*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Respondent*
or Legal Practitioner]

AND TO: The Appellant
[*Firm name or the appellant is self-represented*]

The respondent is represented by [*Firm name*].

OR

The respondent is self-represented.

Form 27—Notice of contention

Note: See rule 42.08.5.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

ON APPEAL FROM THE [*name of Court appealed from*]
[*or, where applicable, from a Justice*]

BETWEEN:

AB
Appellant

and

CD
Respondent

NOTICE OF CONTENTION

The respondent wishes to contend that the decision of the Court below should be affirmed but on the ground that the Court below erroneously decided or failed to decide some matter of fact or law.

Grounds

[*State briefly the grounds.*]

Dated [*e.g. 6 October 2019*]

.....(signed).....
[*Respondent*
or Legal Practitioner]

AND TO: The Appellant
[*Firm name or the appellant is self-represented*]

The respondent is represented by [*Firm name*].

OR

The respondent is self-represented.

Form 27A—Appellant’s submissions

Note: See rule 44.02.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent

APPELLANT’S SUBMISSIONS

- Part I: [Certification that the submission or the redacted version of the submission (as the case requires) is in a form suitable for publication on the internet.]
- Part II: [A concise statement of the issue or issues the appellant contends that the appeal presents.]
- Part III: [Certification that the appellant has considered whether any notice should be given in compliance with section 78B of the Judiciary Act 1903.]
- Part IV: [A citation of the authorised report of the reasons for judgment of both the primary and the intermediate court in the case (or, if there is no authorised report of a decision, the citation of any other report of that decision, and in the absence of any report, the internet citation).]
- Part V: [A narrative statement of the relevant facts found or admitted in the court from which the proceedings are brought with appropriate reference to the core appeal book or book of further materials.]
- Part VI: [A succinct argument addressing the following points:
(a) the error or errors complained of in the court from which the proceedings are brought;
(b) the applicable legislation, principle or rule of law relied upon, with references to authority or legislation signifying their relevance to the appellant’s argument;
(c) where relevant, an analysis of the rationale of the legislation, principle or rule;
(d) how the legislation, principle or rule applies to the facts or other relevant material in the case.]
- Part VII: [Set out the precise form of orders sought by the appellant.]
- Part VIII: [An estimate of the number of hours required for the presentation of the appellant’s oral argument.]

Dated: [e.g. 6 October 2019]

.....(signed).....
[Senior legal practitioner presenting the case in Court
or Appellant if self-represented]

Name [name of signatory]
Telephone: [contact telephone number]
Email: [email address]

Form 27B—Appellant’s chronology

Note: See rule 44.02.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent

APPELLANT’S CHRONOLOGY

Part I: [Certification that the chronology or the redacted version of the chronology (as the case requires) is in a form suitable for publication on the internet.]

Part II: [List of principal events leading to the litigation, with appropriate references to the appeal book in respect of findings of fact and evidence relating to those events.]

Dated [e.g. 6 October 2019]

.....(signed).....

[Senior legal practitioner presenting the case in Court
or Appellant if self-represented]

Name: [name of signatory]

Telephone: [contact telephone number]

Email: [email address]

Form 27C—Intervener’s submissions

Note: See rule 44.04.4.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent**INTERVENER’S SUBMISSIONS**Part I: [*Certification that the submission or the redacted version of the submission (as the case requires) is in a form suitable for publication on the internet.*]Part II: [*A statement of the asserted basis of intervention and the party or parties in support of whom the intervention is, or is sought to be, made.*]Part III: [*Where necessary, why leave to intervene or to be heard as amicus curiae should be granted.*]Part IV: [*A statement addressing so many of the issues presented by the appeal as the intervener desires to make the subject of submissions to the Court.*]Part V: [*An estimate of the number of hours required for the presentation of the intervener’s oral argument.*]

Dated [e.g. 6 October 2019]

.....(signed).....
[Senior legal practitioner presenting the case in Court]Name: [name of signatory]
Telephone: [contact telephone number]
Email: [email address]

Form 27D—Respondent’s submissions

Note: See rule 44.03.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent

RESPONDENT’S SUBMISSIONS

Part I: [Certification that the submission or the redacted version of the submission (as the case requires) is in a form suitable for publication on the internet.]

Part II: [A concise statement of the issue or issues the respondent contends that the appeal presents.]

Part III: [Certification that the respondent has considered whether any notice should be given in compliance with section 78B of the Judiciary Act 1903.]

Part IV: [A statement of any material facts set out in the appellant’s narrative of facts or chronology that are contested with appropriate reference to the core appeal book and any books of further materials.]

Part V: [A statement of argument in answer to the argument of the appellant and any intervener supporting the appellant.]

Part VI: [Where applicable, a statement of the respondent’s argument on the respondent’s notice of contention or notice of cross-appeal.]

Part VII: [An estimate of the number of hours required for the presentation of the respondent’s oral argument.]

Dated [e.g. 6 October 2019]

.....(signed).....

[Senior legal practitioner presenting the case in Court
or Respondent if self-represented]

Name: [name of signatory]

Telephone: [contact telephone number]

Email: [email address]

Form 27E—Appellant’s reply

Note: See rule 44.05.5.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent

APPELLANT’S REPLY

Part I: [Certification that the reply or the redacted version of the reply (as the case requires) is in a form suitable for publication on the internet.]

Part II: [A concise reply to the argument of the respondent.]

Dated: [e.g. 6 October 2019]

.....(signed).....
[Senior legal practitioner presenting the case in Court
or Appellant if self-represented]

Name: [name of signatory]
Telephone: [contact telephone number]
Email: [email address]

Form 27F—Outline of oral submissions

Note: See rule 44.08.2.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Appellant

and

CD
Respondent

APPELLANT’S/RESPONDENT’S/INTERVENER’S OUTLINE OF ORAL SUBMISSIONS

Part I: [Certification that the outline or the redacted version of the outline (as the case requires) is in a form suitable for publication on the internet.]

Part II: [An outline of the propositions that the party intends to advance in oral argument.]

Dated: [e.g. 6 October 2019]

.....(signed).....

Name: [name of signatory]

[Senior legal practitioner presenting the case in Court
or Party if self-represented]

Form 28—Bill of costs

Note: See rule 54.02.1.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent**BILL OF COSTS**

The costs of the [party] to be taxed pursuant to the order of [state by whom made and the date on which the order was made].

[Include the following paragraph if a request for an estimate of costs under Part 57 of the High Court Rules 2004 is sought]

[I hereby request that a taxing officer, in the absence of the parties and without making any determination on any individual item on the bill, make an estimate of the approximate amount of professional charges and disbursements that, in the opinion of the taxing officer, would be allowed if the bill of costs were taxed.]

Item No	Date	Item	Disbursements	Charges
Summary			..... Disbursements	..... Charges
Page 1				
Page 2				
			..... (Total disbursements)	..... (Total charges)
		Add total disbursements		.....
		Subtotal		.....
		Less taxed off		.....
		Subtotal		.....

Schedule 2 Forms

Add taxing fee	.....
Taxed and allowed at	.....

I certify that the additions contained in this bill of costs are correct.

.....(signed).....
[Party
or Legal Practitioner]

Form 29—Certificate of taxation

Note: See rule 57.04.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

BETWEEN:

AB
Plaintiff/Appellant/Applicant

and

CD
Defendant/Respondent

CERTIFICATE OF TAXATION

I certify that the costs of the [party] as against the [party], pursuant to the order of the Court dated [date], have been taxed [or assessed] and allowed at [\$].

Dated:[e.g. 6 October 2019]

.....
Taxing Officer

Form 30—Ex parte application for leave to institute a proceeding

Note: See rule 6.06.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

In the matter of an Application by
[*full name of Applicant*] for leave to
institute a proceeding

EX PARTE APPLICATION FOR LEAVE TO INSTITUTE A PROCEEDING

1. The Applicant applies for leave to institute the attached proceeding.
2. On [date] [*the Court or name of Justice*] made a vexatious proceedings order.

Grounds

The grounds of the application appear in the supporting affidavit of [*name of person*] [*sworn or affirmed*] on [date].

Dated: [e.g. 6 October 2019]

.....(signed).....
[*Applicant*
or *Legal Practitioner*]

The applicant is represented by [*Firm name*].

OR

The applicant is self-represented.

Form 31—Ex parte application for leave to issue or file

Note: See rule 6.07.3.

IN THE HIGH COURT OF AUSTRALIA
[] REGISTRY

In the matter of an Application by
[full name of Applicant]
for leave to issue or file

EX PARTE APPLICATION FOR LEAVE TO ISSUE OR FILE

1. The Applicant applies for leave to have issued or to file the attached document.
2. On [date] [name of Justice] directed the Registrar to refuse to issue or file the document without the leave of a Justice first had and obtained by the party seeking to issue or file it.

Grounds

The grounds of the application appear in the supporting affidavit of [name of person] [sworn or affirmed] on [date].

Dated: [e.g. 6 October 2019]

.....(signed).....
[Applicant
or Legal Practitioner]

The applicant is represented by [Firm name].

OR

The applicant is self-represented.

Schedule 3—Fees for work done and services performed

High Court Rules 2004

1 Schedule 2

Repeal the Schedule, substitute:

Schedule 2—Fees for work done and services performed

Note: See rule 52.02.

1 Application of this Schedule

- (1) This Schedule, as substituted by Schedule 3 to the *High Court Amendment (Electronic Filing and Other Matters) Rules 2019*, applies to work done or services performed on or after 1 January 2020.
- (2) Item 8 of the table in clause 2 does not apply in relation to a proceeding that commences on or after 1 January 2020.

2 Fees for work done and services performed

The following table sets out the fees allowable for work done and services performed.

Fees for work done and services performed		
Item	Matter for which fee may be charged	Fee
INSTRUCTIONS		
1	Instructions to commence or oppose a proceeding	\$556.35
2	Instructions to make or oppose any interlocutory application	\$278.20
3	Instructions to prepare any pleading	\$278.20
4	Instructions to brief counsel	\$278.20
5	Instructions to do any other thing not otherwise provided for	\$278.20
PREPARING DOCUMENTS		
6	Preparing any document, other than court books and correspondence:	
	(a) by a solicitor, if 5 minutes or less; or	\$44.50
	(b) by a solicitor, if more than 5 minutes; or	\$139.10 per quarter hour or part thereof
	(c) by a law clerk, if 5 minutes or less; or	\$22.25
	(d) by a law clerk, if more than 5 minutes	\$69.60 per quarter hour or part thereof
PREPARING COURT BOOKS		
7	Preparing court books, including application books, appeal books, case	\$139.10 per

Fees for work done and services performed		
Item	Matter for which fee may be charged	Fee
	stated books, special case books and questions reserved books	quarter hour or part thereof
8	If court books are prepared in-house, the Taxing Officer may allow a reasonable amount in the circumstances for their copying and binding	
PREPARING CORRESPONDENCE		
9	Preparing:	
	(a) simple correspondence; or	\$55.65 per page of text
	(b) other correspondence	\$139.10 per page of text
READING DOCUMENTS		
10	Reading:	
	(a) simple correspondence; or	\$11.15 per page of text
	(b) other correspondence	\$139.10 per quarter hour or part thereof
11	Reading documents, other than correspondence:	
	(a) up to 10 pages of text; or	\$11.15 per page of text
	(b) otherwise	\$139.10 per quarter hour or part thereof
EXAMINING DOCUMENTS		
12	Examining a document to ensure that it is correct or complete (for example, a proof print of a court book):	
	(a) up to 10 pages of text; or	\$5.55 per page of text
	(b) otherwise	\$69.60 per quarter hour or part thereof
COPYING DOCUMENTS		
13	Copying documents:	
	(a) black and white photocopies; or	56 cents per page
	(b) colour photocopies	\$1.75 per page
ATTENDANCES		
14	Attendances, including telephone attendances, research, conferences with clients, conferences with counsel and attendances at the Registry:	
	(a) by a solicitor, if 5 minutes or less; or	\$44.50
	(b) by a solicitor, if more than 5 minutes; or	\$139.10 per quarter hour or part thereof
	(c) by a law clerk, if 5 minutes or less; or	\$22.25
	(d) by a law clerk, if more than 5 minutes	\$69.60 per quarter hour or part thereof

Schedule 3 Fees for work done and services performed

Fees for work done and services performed		
Item	Matter for which fee may be charged	Fee
15	Attendances in Court, including travelling time to and from Court: (a) by a solicitor; or (b) by a law clerk	\$139.10 per quarter hour or part thereof \$69.60 per quarter hour or part thereof
	Note: The Taxing Officer has the discretion to allow for the attendance of more than one solicitor or law clerk in Court if the circumstances warrant it.	
16	Any other attendance not otherwise provided for	\$69.60 per quarter hour or part thereof
GENERAL CARE AND CONDUCT		
17	In complex or novel matters the Taxing Officer may allow an additional amount for the general care and conduct of the matter, not exceeding 5% of the total of the fees and disbursements otherwise allowed	
WITNESSES' EXPENSES		
18	For each witness, including that witness' travelling time	\$278.20 per hour or part thereof
19	If a witness is an expert, the Taxing Officer may allow an amount equal to the expert's actual fees for preparing to give evidence and for attending to give evidence	
DISBURSEMENTS		
20	All disbursements reasonably incurred and paid are to be allowed	
MISCELLANEOUS		
21	In unusual cases, or in instances which are not otherwise covered by the preceding items, the Taxing Officer may allow such additional charges or disbursements as are reasonable in the circumstances	

Schedule 4—Transitional provisions

High Court Rules 2004

1 In the appropriate position in Chapter 6

Insert:

Part 61—Transitional provisions relating to the High Court Amendment (Electronic Filing and Other Matters) Rules 2019

61.01 Application of amendments relating to electronic filing

Unless the Registrar otherwise directs, the amendments made by Schedule 1 to the *High Court Amendment (Electronic Filing and Other Matters) Rules 2019* apply in relation to a proceeding that commences on or after 1 January 2020.

61.02 Forms

Unless the Registrar otherwise directs, the amendment made by Schedule 2 to the *High Court Amendment (Electronic Filing and Other Matters) Rules 2019* applies in relation to a document that is to be filed in a proceeding that commences on or after 1 January 2020.

61.03 Repeal of this Part

This Part is repealed at the start of 1 January 2025.