



High Court Amendment (2023 Measures No. 1) Rules 2023

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

Dated 13 November 2023

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M. M. Gordon

J. J. Edelman

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Justices of the High Court of Australia

P. A. Lynch
Chief Executive and
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1 Name

These Rules are the *High Court Amendment (2023 Measures No. 1) Rules 2023*.

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 November 2023

Note: This table relates only to the provisions of these Rules as originally made.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 *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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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—Amendments

Part 1—Publication of reasons for decisions

High Court Rules 2004

1 Rule 6.03

Omit “and 25.09.2”, substitute “, 25.09.2, 26.07.1A and 41.08.1A”.

2 Rule 26.07.1

Repeal the rule, substitute:

26.07.1 A Full Court may make an order determining an application without listing the application for hearing.

26.07.1A A Full Court may make an order under rule 26.07.1, and may publish reasons for the decision, other than in open court.

3 Rule 41.08.1

Repeal the rule, substitute:

41.08.1 A Full Court may make an order determining an application without listing the application for hearing.

41.08.1A A Full Court may make an order under rule 41.08.1, and may publish reasons for the decision, other than in open court.

Part 2—Application books

High Court Rules 2004

4 Rule 26.06

Repeal the rule.

5 Rule 26.09.1

Repeal the rule, substitute:

26.09.1 Unless the Court or a Justice or the Registrar otherwise orders or directs, an application is deemed to have been abandoned if the applicant fails to comply with paragraph 26.01.1(c).

6 Rule 41.07

Repeal the rule, substitute:

41.07 Additional documents

41.07.1 If:

- (a) an applicant is represented by a legal practitioner; and
 - (b) a party considers that a document is necessary for the Court's consideration of the application; and
 - (c) the document is not a document required by rule 41.01.4;
- the party may file an affidavit that exhibits the document.

41.07.2 The affidavit must:

- (a) set out the reasons for filing the document in addition to the documents required by rule 41.01.4; and
- (b) be served on each other party.

7 Rule 41.10.1

Repeal the rule, substitute:

41.10.1 Unless the Court or a Justice or the Registrar otherwise orders or directs, an application is deemed to have been abandoned if the applicant fails to comply with rules 41.03.1 and 41.03.2.

Part 3—Notices of appeal

High Court Rules 2004

8 Paragraph 42.02.2(e)

Omit “draft notice of appeal furnished to the Court on the hearing of the”.

Part 4—Transitional provisions

High Court Rules 2004

9 In the appropriate position in Chapter 6

Insert:

Part 62—Transitional provisions relating to the High Court Amendment (2023 Measures No. 1) Rules 2023

62.01 Amendments relating to the publication of reasons for decisions

Unless the Registrar otherwise directs, the amendments made by Part 1 of Schedule 1 to the *High Court Amendment (2023 Measures No. 1) Rules 2023* apply in relation to an order that is made on or after 1 December 2023.

62.02 Amendments relating to application books

Unless the Registrar otherwise directs, the amendments made by Part 2 of Schedule 1 to the *High Court Amendment (2023 Measures No. 1) Rules 2023* apply in relation to an application that is filed on or after 1 December 2023.

62.03 Amendments relating to notices of appeal

Unless the Registrar otherwise directs, the amendment made by Part 3 of Schedule 1 to the *High Court Amendment (2023 Measures No. 1) Rules 2023* applies in relation to a notice of appeal that is filed on or after 1 December 2023.

62.04 Repeal of this Part

This Part is repealed at the start of 1 December 2024.