



LISTS OF AUTHORITIES AND CITATIONS PRACTICE NOTE (GPN-AUTH)

General Practice Note

1. INTRODUCTION

- 1.1 This practice note provides guidance for the use of Lists of Authorities in all final hearings¹ (including appeals), unless or to the extent that the Court otherwise orders. It applies to all parties, including those parties that are not represented by a lawyer.
- 1.2 This practice note takes effect from the date it is issued and, to the extent practicable, applies to proceedings whether filed before, or after, the date of issuing.
- 1.3 When reading this practice note, parties should have regard to the Definitions (which are set out in “Annexure A”).

2. FORM AND CONTENT OF LIST OF AUTHORITIES

- 2.1 When a party is required to file a List of Authorities (“List”), the List must be divided into:
 - (a) Part “A”: which must contain only authorities from which passages are to be read; and
 - (b) Part “B”: which must contain authorities to which a party might refer, but from which passages are not to be read.
- 2.2 Unless otherwise required by the Court, parties should prepare the List in PDF text searchable (OCR)² format and file it via eLodgment.³

References to Legislation

- 2.3 References to legislation must specify the jurisdiction and the relevant sections, regulations, rules or clauses.
- 2.4 If the legislation is to be considered as it was at a particular point of time, the reference should state the point of time.

¹ The Court may apply this practice note in an interlocutory hearing.

² OCR, or Optical Character Recognition, means the computer-facilitated recognition of printed or written text characters in a searchable image. To OCR a document means you can highlight, annotate, copy and paste etc. Without OCR (for example, a scanned copy of a document), the document is considered to be an image.

³ If a party cannot prepare the List in PDF text searchable (OCR) format, then that party can prepare and file the List in one of the other file types prescribed by the Court: see <http://www.fedcourt.gov.au/online-services/preparing-documents-for-the-court>.

References to Cases

2.5 A reference to a case must include:

- (a) the name under which the case is reported or, if the case is unreported, the names of the parties to the case; **and**
- (b) its citation in an authorised series of reports (if available) or another series of reports (if the case has not been reported in an authorised series), and the medium neutral citation; **and**
- (c) reference to the relevant page or paragraph numbers.

2.6 Example citations in the form described above are:

Reported case: *D’Arcy v Myriad Genetics Inc* (2014) 224 FCR 479; [2014] FCAFC 115

Medium neutral citation (MNC): *Warner-Lambert Company LLC v Apotex Pty Ltd* [2014] FCAFC 59

Unreported judgment (pre-MNC): *Repatriation Commission v Smith* (unreported, Federal Court of Australia, Sundberg J, 16 June 1997)

2.7 With respect to page and paragraph references at the end of citations, the Court prefers:

Page references: for example use: “at 481”

Paragraph references: for example use: “at [29]”

3. FILING AND SERVING THE LIST

3.1 The applicant⁴ must file, and serve on each other party, the applicant’s List no later than 4.00 pm, 5 business days⁵ before the hearing date.

3.2 The respondent must file, and serve on each other party, the respondent’s List no later than 4.00 pm, 4 business days before the hearing date.

⁴ In this practice note any reference to “applicant” is also intended to be a reference to an “appellant” with respect to appeals and a “plaintiff” with respect to corporations matters. Likewise, any reference to “respondent” is intended to refer to a defendant for corporations matters.

⁵ See Schedule 1 – Dictionary of *Federal Court Rules 2011* (Cth) for definition of “business day”.

Default

- 3.3 If a party defaults under paragraphs 3.1 or 3.2, any non-defaulting party must bring the default to the attention of the chambers of the judge hearing the matter (or the chambers of the presiding judge if there is more than one judge hearing the matter) so that appropriate orders may be made. At the same time, that party must also notify the other parties to the proceeding.

4. SUPPLY OF AUTHORITIES

- 4.1 All authorities for the use of the judge or judges hearing the matter are to be supplied by the parties in the manner required by the Court.
- 4.2 Unless the Court has made clear the manner in which it wishes to receive authorities, parties should consider and discuss the most effective and efficient manner in which the authorities can be provided to, and used by, the Court, including joint and digital options, and provide their proposal(s) to the Court at or before any pre-trial case management hearing.
- 4.3 If authorities are required, the Court's preference is for the parties to provide a joint-set of authorities in digital form, on a USB stick or, where size limitations permit, by email, and in PDF text searchable (OCR) format. Parties should expect that it will not be necessary to provide also the authorities in hardcopy form, unless the Court provides otherwise.

J L B Allsop
Chief Justice
20 December 2019

Annexure A

DEFINITIONS

To assist practitioners with citations and preparing Lists of Authorities, in this practice note:

Authorised Reports: are report series that contain judgments that have been reviewed by the judges or their associate, prior to the publication. They are therefore considered to be an accurate record of the judgment. The reports usually indicate in the opening pages of each volume that they are “authorised reports”. Australian authorised report series:

Court / Jurisdiction	Report Series	Years
High Court of Australia	CLR	1903 -
Federal Court of Australia	FCR	1984 -
Administrative Appeals Tribunal	ALD	1976 -
Fair Work Commission (<i>Australian Industrial Relations Commission; Fair Work Australia</i>)	IR	2006 -
Australian Capital Territory	ACTR ⁶	1973 – 2008
	ACTLR	2007 -
New South Wales	SR (NSW)	1901 – 1970
	NSWLR	1970 -
Northern Territory	NTR ⁷	1979 – 1991
	NTLR	1990 -
Queensland	QSR	1902 – 1957
	Qd R	1958 -
South Australia	SALR	1899 – 1920
	SASR	1921 -
Tasmania	Tas LR	1904 – 1940
	Tas SR	1941 – 1978
	Tas R	1979 -

⁶ NOTE: The ACTR Report Series from 1973 – 2008 is in the ALR.

⁷ NOTE: The NTR Report Series from 1979 – 1991 is in the ALR.

Victoria	VLR	1875 – 1956
	VR	1957 -
Western Australia	WALR	1898 – 1958
	WAR	1958 -

Unauthorised Reports: are report series that are a legitimate record of court decisions. In some cases, the unauthorised report may be the only source for certain cases, particularly matters from local courts and tribunals. They can be “generalist” or “subject-specific” report series. Commonly used unauthorised reports include: ALR, ALJR, FLR, Fam LR and NTR;

Unreported Judgments: are decisions of courts that have not been published in a report series. The elements for citing an Unreported Judgment are:

<i>Case Name</i> <i>(in italics)</i>	Unreported,	Court	Judge(s),	(Full Date)	Pin-point
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MNC: means a Medium Neutral Citation, which is a citation assigned by a court or tribunal independent of any citation that commercial publishers may give to a judgment or decision. This format can be used for citing cases when there is no reported version and the Court has assigned an MNC. The elements for citing an MNC are:

<i>Case Name</i> <i>(in italics)</i>	[Year]	Unique Court Identifier	Judgment Number	(Full Date)	[Pin-point]
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Legislation references: A reference to legislation should include the:

- Short Title of the Act (unless the Act does not contain one, then the a Long Title of the Act) in italics;
- Year, in italics;
- Jurisdiction, in brackets (ie. (Cth)); and
- any pinpoint (ie. s 3).