



## EBOOKS PRACTICE NOTE (GPN-eBOOKS)

### General Practice Note

#### 1. INTRODUCTION

- 1.1 This practice note identifies the Court's requirements in respect of court books, appeal books and books of authorities, and other documents such as affidavits, which are proposed to be provided in electronic format (**eBooks**).

**Note:** this practice note applies to both the provision of an eBook to the Court (for example, by provision to a Judge's chambers) and the filing of an eBook for the purpose of r 2.25 of the [Federal Court Rules 2011 \(Cth\)](#) (**Federal Court Rules**).

- 1.2 The requirements in this practice note are additional to and, to the extent of any inconsistency prevail over, other practice notes in force.
- 1.3 It is intended that this practice note will prevail over any inconsistent provisions in the Federal Court Rules pending the amendment of those Rules. It may be anticipated that if an inconsistency arises that the dispensing power in r 1.34 of the Federal Court Rules will most likely be exercised.

#### 2. APPLICATION

- 2.1 This practice note applies to any party required or proposing to file or provide an eBook.

#### 3. COURT'S EXPECTATIONS OF PARTIES

- 3.1 In all matters, parties should confer and ensure that eBooks complying with this practice note can be provided before all hearings if:

- (a) agreed to be provided by the parties; or
- (b) ordered to be provided by the Court.

- 3.2 Parties should take account of the resources available to each party when conferring about responsibility for the preparation of eBooks in accordance with this practice note.

#### 4. eBook REQUIREMENTS – GENERAL

- 4.1 This section applies to all eBooks.
- 4.2 Parties should confer about eBook proposals in a timely manner and inform the Court of any proposal which they consider would better suit the nature of the matter than the provisions of this practice note.

4.3 eBooks should:

- (a) be provided in a format where the text can be searched and copied; and
- (b) preferably be prepared in Format 1 below but subject to any order or request of the Court to the contrary, may be prepared in either, or if appropriate a combination of, Format 1 and Format 2 (other than books of authorities which must be prepared in Format 1 – see further below):

(1) **Format 1: Separate PDF or other index with cross-document relative hyperlinks to attachments**

A separate PDF or other (such as Word or Excel) index with cross-document relative hyperlinks to attachments that complies with the following guidance:

- (i) the index is to be in the form of a table with rows containing sequentially numbered tabs, document titles, and dates where applicable;
- (ii) subject to any other requirements, the index is to group documents appropriately;
- (iii) the index is to include for each listed document a cross-document relative hyperlink to the attached document;
- (iv) the attachments to the index are to be separate documents so that when the cross-document relative hyperlink in the index is activated, the attached document opens so as to enable multiple documents from the index to be open concurrently;
- (v) primarily, the relative hyperlinked attachments are to be PDF documents, but where appropriate, may be in native form (e.g., an Excel spreadsheet);
- (vi) in the case of an eBook of authorities, the attached documents are to be named according to their corresponding tab numbers followed by a sufficient description of the authority, for example “02. *Décor v Dart* [1991] FCA 844.pdf”;
- (vii) in the case of affidavits:
  - any annexures to the affidavit should be bookmarked within the PDF document comprising the affidavit;
  - alternatively, in the case of affidavits with a large number of annexures, consideration should be given to indexing the annexures separately with their own hyperlinks.

(2) **Format 2: One bookmarked and internally relative hyperlinked PDF document**

One bookmarked PDF document that complies with the following guidance:

- (i) the PDF document is to be paginated coherently (independently of any individual document numbering), and the page numbers are to correspond with any hard copy version of the eBook;
- (ii) the PDF document is to have an index at the front in the form of a table with rows containing sequentially numbered tabs, document titles, dates where applicable, and the corresponding page number;
- (iii) subject to any other requirements, the index is to group documents appropriately;
- (iv) the PDF document is to contain an appropriately titled bookmark for each document, and the title of the bookmark should include the relevant tab number in the index, for example "01. Originating application.pdf";
- (v) the index is to include for each listed document an internal relative hyperlink to the document contained within the PDF document; and
- (vi) in the case of affidavits, any annexures are to be separately bookmarked.

## 5. PROVISION AND FILING OF eBooks

5.1 eBooks are to be provided to the Court in accordance with the Court's *Technical guide to the provision and filing of eBooks* as published on the Court's website from time to time. Parties should also refer to the [Technology and the Court Practice Note \(GPN-TECH\)](#) and [Technology Resources](#) on the Court's website.

5.2 Where clarification is required, parties should liaise with the relevant District Registry of the Court for additional technical advice in relation to methods of providing appropriately formatted eBooks.

5.3 If an eBook is provided to the Court, the party providing the eBook must ensure that as soon as reasonably practicable after provision the eBook is also filed with the Court.

**Note:** the format of the eBook may need to be adjusted to enable the eBook to be accepted by the Court's electronic filing system. Refer to paragraphs 5.1 and 5.2 above for assistance with arrangements for the filing of an eBook.

## 6. COURT eBooks

6.1 Court eBooks should include all material filed by all parties relevant to the hearing (including material subject to objection, which should be identified in the index and/or otherwise as applicable as subject to objection).

## 7. eBOOKS OF AUTHORITIES

7.1 [Lists of Authorities and Citations Practice Note \(GPN-AUTH\)](#) is amended as follows:

**Delete:**

*“2. Form and Content of Lists of Authorities...” to the end of para 2.2.*

**Insert:**

*See eBooks Practice Note (GPN eBooks).*

- 7.2 eBooks of authorities must be in a format where the text can be searched and copied, and, as for Format 1 above but subject to any order or request of the Court to the contrary, must be hyperlinked so that when the cross-document hyperlink in the index is activated, the attached document opens separately and so as to enable multiple documents from the index to be open concurrently.
- 7.3 Separate eBooks of authorities for each party should be avoided. Rather, eBooks of authorities should include a jointly consolidated version of all of the authorities, legislation and explanatory and other material proposed to be relied upon at the hearing by all parties.
- 7.4 eBooks of authorities should be divided into the following sections, each section being arranged in alphabetical order:
- (a) authorities;
  - (b) legislation; and
  - (c) bills and other explanatory material.
- 7.5 If it is proposed to only include one or more extracts from a particular document rather than the whole document, all extracts to be relied upon should be provided in a single consolidated document.
- 7.6 Extracts from legislation should identify the date in force of the extract.

## 8. APPEAL eBOOKS

- 8.1 Subject to any order of the Court to the contrary, all appeal books are to be filed as eBooks and hard copy appeal books are not to be filed. If no such contrary order is made, this practice note is intended to prevail over the Federal Court Rules (rr 33.23 – 33.28 and 36.51 – 36.56) and prevails over [Practice Note APP 2: Content of Appeal Books and Preparation for Hearing \(APP 2\)](#) to the extent of any inconsistency.
- 8.2 APP 2 is amended as follows:

**3. Appeal books**

*In 3.1 line 1 after “Court,” insert the following:*

*“and EBOOKS PRACTICE NOTE (GPN-eBOOKS) which prevails to the extent of any*

*inconsistency in respect of any appeal eBook”*

**11. Electronic appeals**

*Delete: 11.1 – 11.3*

*Insert:*

*‘Subject to any order of the Court to the contrary, appeals will be conducted by reference to appeal eBooks.*

*Note: see eBooks Practice Note (GPN-eBooks).”*

8.3 Appeal eBooks are to be filed as follows (and otherwise in accordance with rr 33.23 – 33.28 and 36.51 – 36.56 of the Federal Court Rules where not inconsistent with this Practice Note):

- i. Part A – in electronic format only;
- ii. Part B – is not required to be prepared or filed; and
- iii. Part C – in electronic format only.

8.4 As set out in paragraph 1.3 it is intended that, despite r 36.54(c) of the Federal Court Rules, the parties must confer and ensure that Part C of the appeal eBook contains the material necessary for the Court to resolve every issue raised in the appeal (including any cross-appeal or notice of contention), whether or not the material is referred to in the written submissions of the parties, including such material necessary to give context to that material.

**Note:**

1. Parties are expected to co-operate to identify the material that should be included in Part C in accordance with paragraph 8.4 having regard to the grounds of any appeal, cross-appeal or notice of contention. Material that is not necessary to resolve issues so raised (directly or to give necessary context) should not be included in Part C.
2. Material the subject of dispute between the parties about inclusion in Part C of the appeal eBook in order to comply with paragraph 8.4 should be included in a separate section or part of Part C and clearly identified as subject to dispute.

8.5 As set out in paragraph 1.3 it is intended that, despite r 36.54(c) of the Federal Court Rules, the parties must file Part C of the appeal eBooks not less than 10 business days before the hearing of the appeal.

J L B ALLSOP  
Chief Justice  
17 August 2022