HIGH COURT OF AUSTRALIA

HOW TO LODGE A SPECIAL LEAVE APPLICATION IN THE DIGITAL LODGMENT SYSTEM PORTAL (DLS)

Mandatory electronic filing

In 2020 the High Court of Australia moved from a paper-based Court to one that provides for the electronic lodgment of Court documents. With the implementation of the DLS, the High Court moved to mandatory electronic lodgment of all documents filed in any case commenced after 1 January 2020.

Using the DLS portal

It is recommended that parties use a Firefox or Chrome public browser rather than Internet Explorer to access the DLS Portal.

At times the application will try to display additional information in a pop-up window so pop ups have to be allowed in your browser. The walkthrough assistance in the Portal also uses pop ups.

You will need to register as a DLS user, with a valid email address, in order to file an application. Your DLS registration may take a few days to be approved however you are able to lodge up to five applications in the DLS prior to registration approval.

Step-by-step walk through assistance on starting and joining a case is available from within the DLS Portal and can be seen as a floating bubble to the right of the information boxes you are completing. These instructions are intended to complement that walkthrough. If needed the walkthrough can be triggered to restart from the **Need Help** icon at the bottom of the page:


Starting a case

You should ensure you have all your material for lodgement ready before you commence the lodgement process. The DLS does not allow for saving information and restarting a lodgement, so you should be prepared to complete the process in one sitting.

Documents/forms are to be prepared and signed by the parties and then scanned for lodgement in PDF format in the DLS Portal. Additional documents required should also be available to upload individually as **separate PDF files**. If your document is in Word format, you will need to save it as a PDF before continuing.

The combined file size of documents which be uploaded to the DLS is limited to 50MB. If you are unable to remain within this limit without losing document quality, please contact the Registry to discuss your options.

There are information sheets available on the High Court website which may be of assistance if you are applying for special leave to appeal, including information on what documents are required to be included with your lodgement according to the *High Court of Australia Rules 2004*.

Once you are logged into your DLS account, ensure you are in the **My Cases** view by selecting the briefcase icon from the left side, then select the **Start a Case** button:
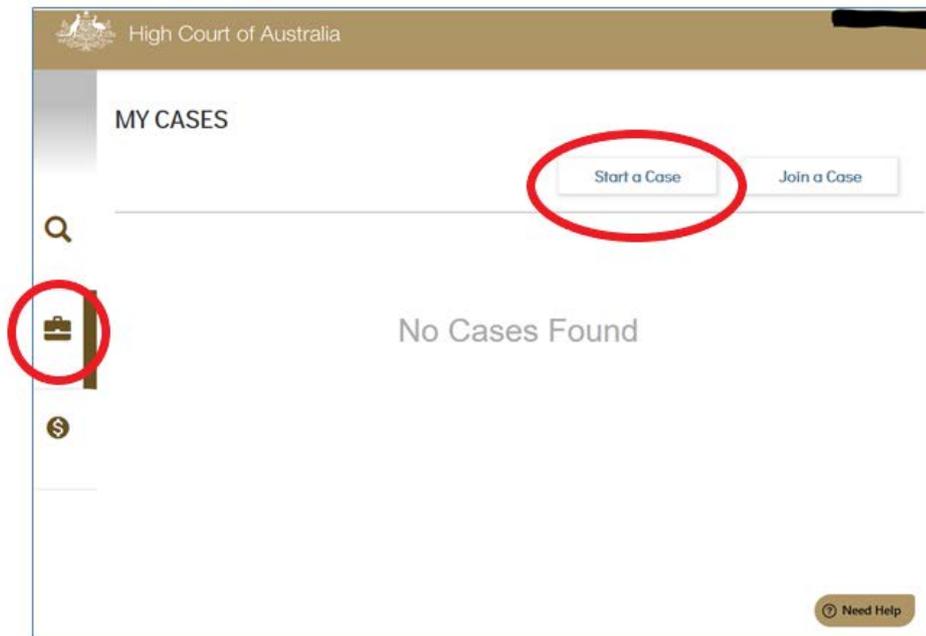
Select the **Registry** you will be applying to, from the drop-down list:
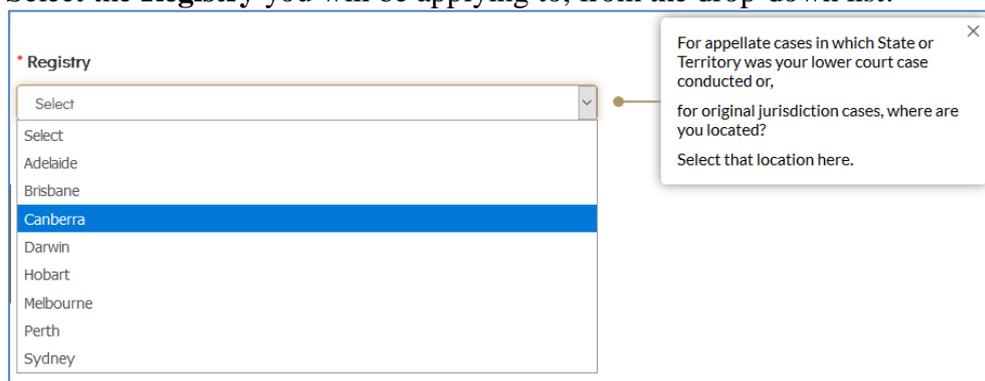
Upload your **Form 23 – Application for leave or special leave to appeal** by dragging the file onto the icon. Alternatively, you may click on the text that reads '*Drag & drop your PDF file for initiating the case or browse*', navigate to the file and select **Open**. There will be an opportunity later to upload supporting documents – only the one initiating document should be uploaded here (the Form 23).
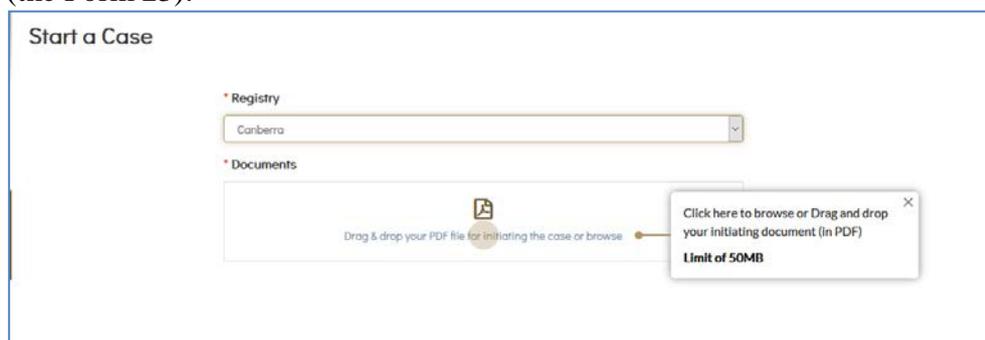
The DLS then requires some information about the file you have uploaded. Select the appropriate form from the first drop-down list. Generally, if you are appealing a decision from the Court below, the appropriate form will be Form 23 as shown below.

Ensure that the correct choice is made from the following two drop-down lists before proceeding to the **Next Step**. Generally, if you are appealing a decision from the Court below, the appropriate case type will be 'Special Leave'.

Next you will be asked to enter party information. Parties' names should be entered as they appear on the lower court documentation. Please enter all party names <u>exactly</u> as they were in the lower court.

However, parties may change from respondent to applicant and vice versa in some cases. In all cases, the applicant is the party starting the case. (but may change from respondent to applicant etc for an appeal).

Click on the **Add** button to view the window for providing the details for the moving party:

In the **Moving Party** window, select the appropriate **Party Type** from the drop down list. This will govern the fee payable. If unsure, refer to the Party catego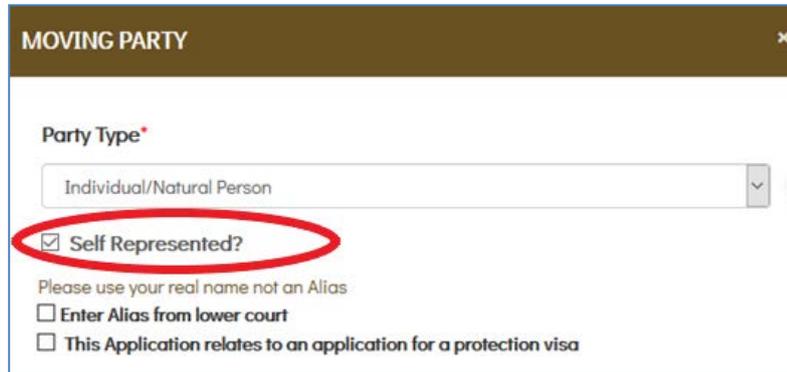ry information sheet available from the High Court website (https://www.hcourt.gov.au/registry/filing-documents/high-court-of-australia-fees).

Indicate if this party is self-represented. A party is self-represented if they do not have legal counsel.

When Self Represented has been selected, some of the later fields will be greyed out and unable to be changed. This is because, as a Self-Represented applicant, the registered user's contact details are to be used.

If a legal practitioner is representing the party, then the party's name is to be entered, but all other contact details should be those of the practitioner:
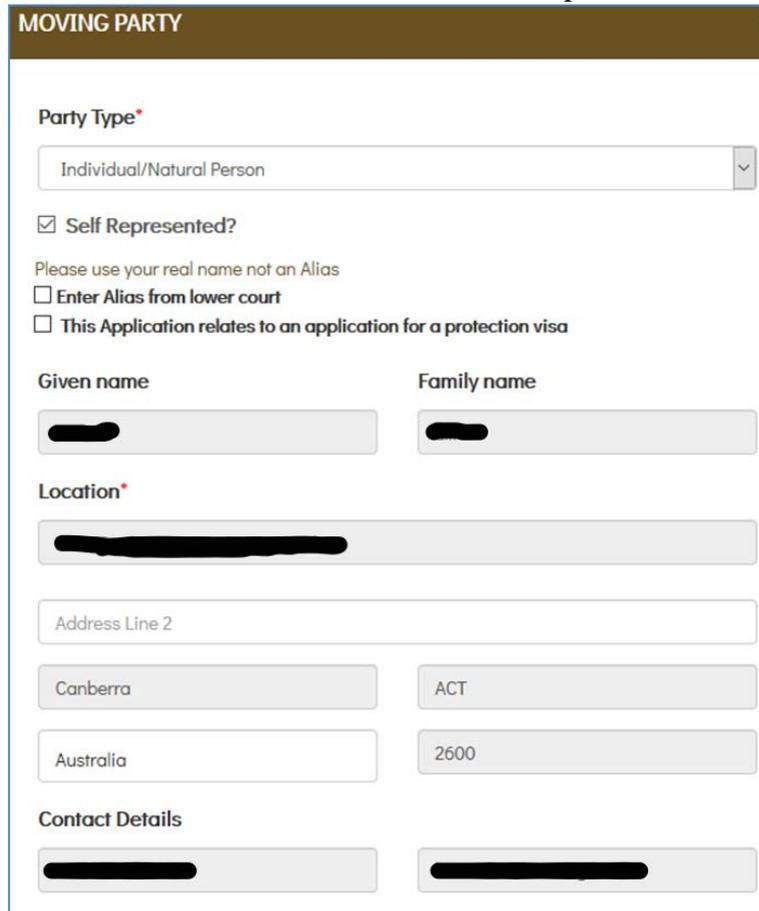
If there was an alias applied in the lower Court, then please select the appropriate option and enter that **Alias** in the new field that appears: You should still enter the name of the applicant, then enter the Alias as well.

If this application relates to an Application for a protection visa, but NO alias was applied in the lower court, please check the box as shown. The DLS will apply a suitable **Alias** to the application upon approval (and that field will be greyed out):

Complete all remaining contact details required for the applicant. Then select **Add Party** from the bottom of the Moving Party window.

You should now see the summary of the Applicant's details in the main window. If there are additional applicants, use the **Add** button to continue entering each applicant's details separately:

Once all the applicants are entered, click on the second **Add** button to view the window for providing the details for the responding party:

In the **Responding Party** window, complete all details available (as you did above for the applicant). Please enter all party names underline exactly as they were in the lower court. Ensure that the party type selection is updated where required.

For the Party Category field, **Public Authority** means: a body or authority of the Commonwealth or a State or Territory, including parties such as a Minister, government department or the Queen. There is a list of some of the more common public authorities available in a drop-down list.

If a legal practitioner is representing the respondent, then the respondent's name should be entered but the other contact details should be the practitioner's:

If there was an **Alias** applied to a respondent in the lower Court, then please select the appropriate option and enter that **Alias** in the new field that appears. You should still enter the name of the respondent, then enter the Alias as well.

If the application relates to an Application for a protection visa, but NO alias was applied in the lower court, please check the appropriate box. The DLS will apply a suitable **Alias** upon approval of the application (and that field will be greyed out):

Once all contact details required for the respondent have been completed, select **Add Party** from the bottom of the Responding Party window.

You should now see the summary of the respondent's details in the main window. If there are additional respondents, use the **Add** button to continue entering each respondent's details separately:

You now need to provide some information about the matter from the Court below. Firstly, for **Jurisdiction** select the appropriate State or Territory from the drop-down list or select Federal (this selection will limit your options for the next step).

Then choose the **Lower Court** from the next drop-down list. If you cannot see the option you need in this list, check that you have selected the correct **Jurisdiction** in the previous step.

Next use the calendar tool to enter the date the judgment was handed down in the lower court:

Tell us about the matter being filed

Jurisdiction | Lower Court

Federal | Federal Circuit Court

*Date Of Judgment

DD/MM/YYYY

‹		Aug 2020 ▾			›	
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Enter the judges who made the decision above, into the field. Press **Enter** after **each** Judge's name is entered.

Judge List

Enter each judges name and press return after each

Medium Neutral Citation

The list is then able to be checked (if incorrect, a name may be removed by selecting the 'x' and another entered)

Judge List

Buono J ✕   Brutto J ✕   Cattivo J ✕

add judge name

Enter the **Medium Neutral Citation** that was assigned to the judgment by the lower court. This will usually include a year in square brackets, an acronym for the lower court, and a unique judgment number:

Medium Neutral Citation

[2020] FCCA 5555

Next you will see a **Confidential** check box. This box should **only** be selected if there is a Court Order declaring the matter confidential. If this is not the case, **do not** select this box. The use of aliases above should remove the need to mark the case as confidential. If you believe there are sensitivities to your lodgement, ensure you include this in the **comments** field that follows.

Medium Neutral Citation

[2020] FCCA 5555

☐ Confidential

Enter comments including related case details

related to HCA case P173/2020

The next field is for brief **comments** in relation to the case, such as any concerns you may have about confidentiality. This is also where to indicate any related matters being lodged or on foot.

Medium Neutral Citation

[2020] FCCA 5555

☐ Confidential

Enter comments including related case details

related to HCA case P173/2020

* If you have any other files for submission, please add those here

📄

The last section of this lodgement is for uploading accompanying documents which are required to be lodged at the same time as the Special Leave Application (in accordance with the *High Court of Australia Rules 2004*) and other supporting documentation.

Upload each document individually by dragging the file onto the icon (or by clicking on the text below it, navigating to the file and selecting **Open**). You will then need to identify the **Document Type** for each file you have uploaded, from a drop-down list of options. Please select the appropriate document type to ensure the system handles it correctly. You may also add **Extra Info** about each file if needed (for example to identify that an Affidavit is to support an extension of time being requested).

* If you have any other files for submission, please add those here

📄

Drag & drop your PDF file for supporting documents or browse

File	Document type	Extra info	Action
Order - FCA.pdf	Select ▼		

* Your signature

Enter your first and last name in u

This will serve as your digital signat
the Case.

☐ I accept the above te

Please accept Terms and Conditions.

Select
Affidavit
Application for leave
Application to review / leave
Complaint / Charges
Decision of Magistrate
Indictment / presentment
Notice of Appeal / application for leave to appeal Court below
Notice of Appeal / leave to appeal Court below
Reasons for decision of AAT / IAA / Tribunal Member
Reasons for decision of the Court below
Reasons for decision of the primary Court
Sealed order of the Court below
Sealed order of the primary Court
Sealed order or judgment of the Court below
Transcript of entry of verdict after trial
Transcript of remarks on sentencing
Transcript of summing up / guilty plea

As each file is added a list of documents will be displayed. The **Remove** button can be used where a file has been uploaded in error.

NOTE: an <u>application for exemption from filing and hearing fees or to pay the financial hardship fee</u> is **not** to be uploaded at this point. It can be submitted after the initial invoice is available from the **Payments** section of the **My Cases** view (the dollar sign in the left-hand pane). There is an info sheet available from the High Court's website <u>https://www.hcourt.gov.au/registry/filing-documents/high-court-of-australia-fees</u>.

The DLS then uses your digital **signature** to connect your registered account with the matter being lodged. Ensure you enter your name the way it appears in the top right-hand corner of the DLS window you have open.
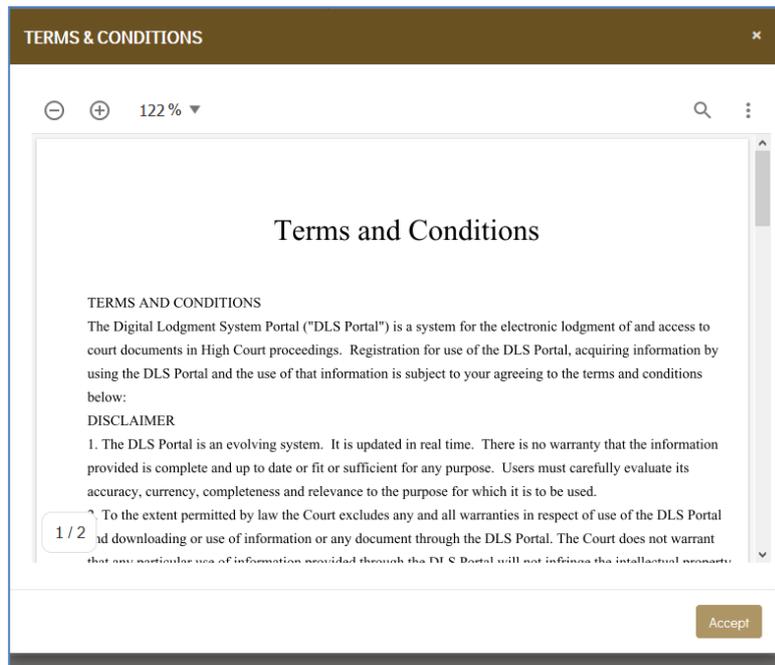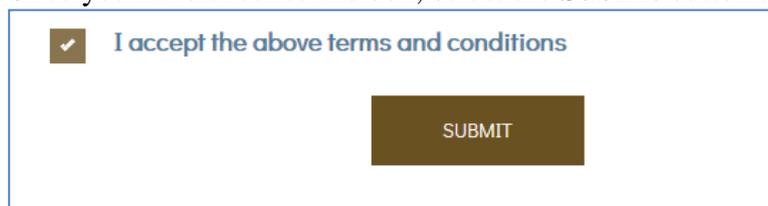

Finally, in order to lodge your matter, you are required to accept the **Terms and Conditions** by checking the box.

To display the terms and conditions simply click on the blue text that says 'I accept above terms and conditions'.

Once you have checked the box, select the **Submit** button and wait for it to process.

The DLS Portal uses pop-ups to acknowledge lodgement. Please make sure pop-ups are not blocked in your browser (this can usually be done in the browser settings). The system will send an email when the matter has been reviewed by the Registry.

If the process appears to hang at this point, scroll to the top of the page and see if an error message has appeared to show you where corrections need to be made.

Once the matter has been successfully lodged you should see a payment window where you can pay the fee or apply for a fee exemption or to pay the financial hardship fee. The fee is required to be waived or paid before the matter can be accepted for filing.

IMPORTANT

The above information is intended only as a procedural guide. It is recommended that intending applicants seek legal advice before commencing proceedings and, in any event, intending applicants should familiarise themselves with the requirements of the *High Court Rules 2004* (in particular Part 41, which deals with applications for special leave) and the relevant legislation relating to their application