



Federal Court Practice Notes

Cross-reference table: New to Old

(New Practice Notes & Revoked Practice Documents)

The cross-reference table below outlines the new national practice notes and any relevant revoked practice note or administrative notice which has been incorporated into the new national practice note: either in full or in part.

Given the extent of the reforms to the practice documents of the Court, this table cannot cover exhaustively every element of every previous document and where that maybe directly or indirectly contained in the new practice notes. However, the table clarifies the most significant areas of revocation and the significant components of practice documents carried over into the practice notes.

A portion of the pre-existing practice documentation has been deemed appropriate to be included on the updated Court website and therefore may not be contained in any formal practice note of the Court.

Central Practice Note

New National Federal Court Practice Note	Description of New National Federal Court Practice Note	Relevant revoked Practice Note or Administrative Notice (AN)
CPN-1: Central Practice Note: National Court Framework (NCF) and Case Management	<ul style="list-style-type: none">• sets out the fundamental principles concerning the NCF and key principles of case management, including the Court’s Case Management Imperatives for consideration prior to the first case management hearing• all other practice notes are to be read within the framework established in this practice note and parties should not commence or take steps in proceedings without first considering the principles set out in this practice note• <i>refers to new guides:</i> developed to explain how to communicate with the Court	<p><u>Practice Notes</u></p> <ul style="list-style-type: none">• NCF 1: Interim Practice Note: NCF 1 - National Court Framework and Case Management• CM1: Case management and the Individual Docket System• CM5: Discovery• CM8: Fast Track <p><u>Administrative Notices</u></p> <ul style="list-style-type: none">• AN ACT 1: Administrative arrangements• AN NSW 1: Duty Judge Matters• AN VIC 3: Allocation of matters in the Victoria Registry• AN ACT2, NSW3, NT1, QLD4, SA1, TAS1, WA2, VIC2: Proceedings conducted in accordance with the Fast Track Directions



National Practice Area (NPA) Practice Notes

New National Federal Court Practice Note	Description of New National Federal Court Practice Note	Relevant revoked Practice Note or Administrative Notice (AN)
<p>ACLHR-1: Administrative and Constitutional Law and Human Rights</p>	<ul style="list-style-type: none"> sets out arrangements for the management of administrative law, constitutional law and human rights cases <i>refers to new guides:</i> developed to assist litigants commencing Administrative law and Constitutional law case and Human Rights cases 	<ul style="list-style-type: none"> CM21: Title of proceedings for relief under Section 39B of the <i>Judiciary Act 1903</i> (Cth) or Section 5 <i>Administrative Decisions (Judicial Review) Act 1977</i> (Cth) against Commonwealth Tribunals
<p>A&M-1: Admiralty and Maritime</p>	<ul style="list-style-type: none"> sets out arrangements for the management of Admiralty and maritime cases refers to the use of the flexible and streamlined procedures the commencement of proceedings (Concise Statement), tailored discovery (Redfern Discovery Procedure) and tailored evidence procedures (Memorial Procedure) set out in C&C-1 	<ul style="list-style-type: none"> ADM1: Admiralty and maritime work in the Federal Court of Australia
<p>C&C-1: Commercial and Corporations</p> <p>Includes schedules for:</p> <ul style="list-style-type: none"> Corporate Insolvency General and Personal Insolvency International Commercial Arbitration 	<ul style="list-style-type: none"> sets out the arrangements for the management of commercial and corporations cases within each of the 6 Sub-areas: Commercial Contracts, Banking, Finance and Insurance; Corporations and Corporate Insolvency*; General and Personal Insolvency*; Economic Regulator, Competition and Access; Regulator and Consumer Protection; and International Commercial Arbitration* sets out the flexible and streamlined procedures for: commencement of proceedings (Concise Statement (new form)); tailored discovery (Redfern Discovery Procedure) and tailored evidence procedures (Memorial Procedure) incorporates schedules which set out the arrangements for the management of cases within 3 of the Sub-areas (marked * above) <i>new form:</i> Concise Statement 	<p><u>Practice Notes</u></p> <ul style="list-style-type: none"> CM5: Discovery (see new procedures) CM8: Fast Track CM20: Ex parte applications for substituted service in bankruptcy proceedings and applications for examination summonses under section 81 <i>Bankruptcy Act 1966</i> and sections 596A and 596B <i>Corporations Act 2001</i> ARB1: Proceedings under the <i>International Arbitration Act 1974</i> CORP 1: Interlocutory process and pleadings in Corporations matters CORP 3: Schemes of arrangement <p><u>Administrative Notices</u></p> <ul style="list-style-type: none"> NAT1: Commercial and Corporations National Practice Area AN ACT2, NSW3, NT1, QLD4, SA1, TAS1, WA2, VIC2:



		<p>Proceedings conducted in accordance with the Fast Track Directions</p> <ul style="list-style-type: none"> • AN QLD 3: Listing of matters under the <i>Bankruptcy Act 1966</i> • AN VIC 1: Ex parte applications in bankruptcy proceedings and applications for examination summonses under sections 596A and 596B <i>Corporations Act 2001</i>
E&IR-1: Employment and Industrial Relations	<ul style="list-style-type: none"> • sets out arrangements for the management of employment and industrial relations cases 	<p><u>Practice Notes</u></p> <ul style="list-style-type: none"> • CM15: Allocation of proceedings to Divisions of the Court – Direction under s 13(5) of the <i>Federal Court of Australia Act 1976 (Cth)</i> • CM18: Title of proceedings for relief under section 39B of the <i>Judiciary Act 1903</i> against the Fair Work Commission <p><u>Administrative Notices</u></p> <ul style="list-style-type: none"> • AN VIC 4: Conduct of adverse action proceedings in the Victoria District Registry
IP-1: Intellectual Property	<ul style="list-style-type: none"> • sets out arrangements for the management of intellectual property cases within each of the 3 Sub-areas: Patents & Associated Statutes; Trade Marks and Copyright and Industrial Design • refers to the use of the flexible and streamlined procedures for commencement of proceedings (Concise Statement), tailored discovery (Redfern Discovery Procedure) and tailored evidence procedures (Memorial Procedure) set out in C&C-1 	<p><u>Practice Notes</u></p> <ul style="list-style-type: none"> • CM8: Fast Track • IP 1: Proceedings under the <i>Patents Act 1990 (Cth)</i> <p><u>Administrative Notices</u></p> <ul style="list-style-type: none"> • AN ACT2, NSW3, NT1, QLD4, SA1, TAS1, WA2, VIC2: Proceedings conducted in accordance with the Fast Track Directions
NT-1: Native Title	<ul style="list-style-type: none"> • sets out arrangements for the management of native title proceedings including matters arising under or in relation to any Indigenous Land Use Agreement (ILUA) or other agreement made under the Native Title Act, or concerning a Prescribed Body Corporate • outlines the specialised role of the Native Title Registrar in the case management of native title proceedings 	<ul style="list-style-type: none"> • N/A

TAX-1: Taxation	<ul style="list-style-type: none"> sets out arrangements for the management of tax cases including some minimal changes to the arrangements for commencing Part IVC appeals and to the timing for the lodgement of the <i>amended form:</i> "Taxation NPA – Pro Forma Questionnaire" 	<ul style="list-style-type: none"> TAX 1: Tax list
CRIME-1: Federal Crime and Related Proceedings	<ul style="list-style-type: none"> will be developed following finalisation of the Federal Court (Criminal Proceedings) Rules, it will set out the arrangement for the management of matters in the criminal jurisdiction of the Court. The scope of the NPA will encapsulate any criminal-related proceeding (not merely cartel-related proceedings) 	<ul style="list-style-type: none"> N/A

NOTE: There is a 9th NPA – "Other Federal Jurisdiction". This NPA covers cases that fall within the Court's jurisdiction but outside the above 8 subject-matter NPAs. No practice note is required at this stage and information will be contained on the Court's website.

General Practice Notes

New National Federal Court Practice Note	Description of New National Federal Court Practice Note	Relevant revoked Practice Note or Administrative Notice
GPN-CA: Class Actions	<ul style="list-style-type: none"> applies to all class action matters, regardless of the NPA and sets out arrangements for the conduct of class actions. Key features include: <ul style="list-style-type: none"> the introduction of a flexible dual-judge system (for appropriate cases), with a "case management judge" and "trial judge" the introduction of a "class actions registrar" where judges consider that such support may be required moderate reforms to the requirement to disclosure to class members and/or the Court relevant costs agreements and litigation funding agreements clarification of the content and timing of the first and subsequent case management hearings updates to the arrangements in respect of communicating with class members updates to the draft Opt Out Notice attached to the practice note settlement approval modifications and changes to the arrangements for the Court supervising deductions for legal costs and funding charges <i>new form:</i> Litigation Funding Agreement Disclosure Notice 	<ul style="list-style-type: none"> CM17: Representative proceedings commenced under Part IVA of the <i>Federal Court of Australia Act 1976 (Cth)</i>



<p>GPN-EXPT: Expert Evidence</p>	<ul style="list-style-type: none"> • applies to any proceeding involving the use of expert evidence and incorporates the: Harmonised Expert Witness Code of Conduct and the Concurrent Expert Evidence Guidelines • sets out the approach to expert evidence and provides guidance on the use of expert witnesses in proceedings and the requirements for the contents of an expert’s report • provides a practical guide on how concurrent evidence may be run, if it is used 	<ul style="list-style-type: none"> • CM7: Expert witnesses proceedings in the Federal Court
<p>GPN-SURV: Survey Evidence</p>	<ul style="list-style-type: none"> • provides guidance for the preparation and use of survey evidence in any proceeding that a party may seek to adduce evidence based upon out-of-court statements or responses of respondents to a survey • sets out: <ul style="list-style-type: none"> - how a case should be managed if survey evidence is proposed, including the requirement to file a notice of intention to conduct a survey - admissibility of survey evidence and dangers of improperly prepared survey evidence - how survey evidence may be considered and guidance on avoiding problems with a survey 	<ul style="list-style-type: none"> • CM13: Survey Evidence
<p>GPN-COST: Costs</p>	<ul style="list-style-type: none"> • new practice note which sets out the Court’s approach to Costs, including case management of Costs, GST, lump-sum costs orders soon after final hearings and the utilisation of consolidated costs orders • includes guides for: Preparing a Costs Summary (supporting a lump-sum costs order request) and Preparing a Bill of Costs • <i>updated form:</i> Form 127 – Bill of Costs 	<ul style="list-style-type: none"> • CM4: Costs – lump sum costs under Rule 40.02(b) of the Federal Court Rules 2011 • AN QLD 6: Bills of costs
<p>GPN-FRZG: Freezing Orders</p>	<ul style="list-style-type: none"> • harmonised practice note • addresses the procedure for making a freezing order application (or Mareva order), including the usual terms of such an order 	<ul style="list-style-type: none"> • CM9: Freezing orders
<p>GPN-SRCH: Search Orders</p>	<ul style="list-style-type: none"> • harmonised practice note • sets out information and procedure for applying for search orders and content of related orders 	<ul style="list-style-type: none"> • CM11 Search orders
<p>GPN-UNDR: Usual Undertaking as to Damages</p>	<ul style="list-style-type: none"> • harmonised practice note • relates to any proceeding (or prospective proceeding) where the usual undertaking as to damages is given to the Court and sets out the wording of the “usual undertaking as to damages” 	<ul style="list-style-type: none"> • CM14: Usual undertaking as to damages



<p>GPN-SUBP: Subpoenas and Notices to Produce</p>	<ul style="list-style-type: none"> • new practice note which sets out a consistent national procedure for subpoena requests and leave to issue a subpoena • raises key issues concerning different types of subpoenas, addresses other subpoena arrangements including: <ul style="list-style-type: none"> - how to comply with a subpoena, return of subpoena and production of documents - applications to set aside a subpoena - inspection - expenses and - Notices to Produce • <i>new forms</i>: Request for Leave to Issue Subpoena Form and Uplift Form 	<ul style="list-style-type: none"> • AN QLD 5: Subpoenas
<p>GPN-ENF: Enforcement, Endorsement and Contempt</p>	<ul style="list-style-type: none"> • provides guidance on 3 procedures: <ul style="list-style-type: none"> - enforcement of Federal Court orders - endorsement of orders with penal elements - guidance on contempt of court generally • <i>new form</i>: Request for Enforcement 	<ul style="list-style-type: none"> • AN QLD 2: Enforcement of Federal Court orders or judgments
<p>GPN-XBDR: Cross-Border Insolvency: Cooperation With Foreign Courts or Foreign Representatives</p>	<ul style="list-style-type: none"> • applies to any proceeding in the Court which involves cross-border insolvency including how the Court's cooperation with foreign courts and representatives in the area of cross-border insolvency matters in accordance with the <i>Cross-Border Insolvency Act 2008</i> (the Act) and the <i>Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law</i> and guidance on applications under the Act relating to a shop owner • Part 2 is harmonised in accordance with the advice of the Council of Chief Justices' Rules Harmonisation Committee 	<ul style="list-style-type: none"> • CORP 2: Cross-border insolvency - Cooperation with foreign courts or foreign representatives
<p>GPN-OSE: Overseas Service and Evidence</p>	<ul style="list-style-type: none"> • sets out the types of originating applications that may be served outside Australia, including leave • provides guidance on the taking of evidence overseas, including how to apply for an order to examine a witness outside Australia, notification requirements, travel expenses and proposal and evidence by video link 	<ul style="list-style-type: none"> • CM12: Service of documents outside of Australia • CM19: Appointment of a judge as an examiner to take evidence overseas



<p>GPN-FRGN: Foreign Judgments</p>	<ul style="list-style-type: none"> • provides guidance for applications: <ul style="list-style-type: none"> - for registration of certain judgments of New Zealand courts and tribunals under the <i>Trans-Tasman Proceedings Act 2010</i> - for registration of certain foreign judgments of various countries under the <i>Foreign Judgments Act 1991</i> - to enforce a money judgment of the Dubai International Financial Centre Courts, in the Federal Court 	<ul style="list-style-type: none"> • N/A
<p>GPN-AUTH: Lists of Authorities and Citations</p>	<ul style="list-style-type: none"> • provides guidance for the use of Lists of Authorities in all final hearings (including appeals), unless or to the extent that the Court otherwise orders • sets out the procedure for citing cases and legislation 	<ul style="list-style-type: none"> • CM2: List of authorities, citation of cases and legislation for proceedings generally
<p>GPN-ACCS: Access to Documents and Transcripts</p>	<ul style="list-style-type: none"> • sets out a nationally consistent approach to access Court including the procedure for access by parties and non-parties (including media) and access to transcript • <i>new forms:</i> Party Access Request Form and Non-Party Access Request Form 	<ul style="list-style-type: none"> • N/A
<p>GPN-TECH: Technology and the Court</p>	<ul style="list-style-type: none"> • covers all aspects of use of technology in the court, including electronic discovery, eTrials, eCourtroom etc. • contains broad information and refers to various guides on the Court’s website (which will set out relevant technology information and procedures in greater detail) 	<ul style="list-style-type: none"> • CM6: Electronic technology in litigation • CM22: Video link hearing arrangements • CM23: Electronic Court File and preparation and lodgement of documents • GEN 2: Documents • GEN 3: Use of Court forms
<p>GPN-INT: Interest on Judgments</p>	<ul style="list-style-type: none"> • provides guidance on both pre and post judgment interest • the formula and rate of pre-judgment is harmonised by the Council of Chief Justices’ Harmonisation Committee on Discount and Interest Rates 	<ul style="list-style-type: none"> • CM16: Pre-judgment interest
<p>GPN-TRIB: Consent Orders Involving a Federal Tribunal</p>	<ul style="list-style-type: none"> • addresses the required steps of the parties when a remittal from the Court to a Federal Tribunal occurs by way of consent orders 	<ul style="list-style-type: none"> • CM3: Consent Orders involving a Federal Tribunal

