

Magistrates Courts

Practice Direction No. 9 of 2008

FILING WRITTEN SUBMISSIONS

1. The frequency of the presentation of written submissions in proceedings warrants steps to preserve them for future reference, for example should there be an appeal, and to ensure their availability for inspection by an interested person, in order to maintain the public transparency of the judicial process.
2. The purpose of this practice direction is therefore to ensure that where written submissions are presented by or on behalf of a party:
 - a. the submissions will be retained on the court file in relation to the proceeding, and thereby available for future reference in the proceeding; and
 - b. the submissions are available for search under Rule 981 of the Uniform Civil Procedure Rules.
3. Unless the court otherwise orders, it will therefore be taken that where written submissions are presented by or on behalf of a party in a proceeding, there is a concurrent grant of leave that they be filed and read.
4. In such situations, the proper officer of the court, will endorse the file in relation to the proceeding, recording the filing and reading of the submissions and identifying the submissions (as to the relevant party, and date), and will place a copy of the submissions on the file in the appropriate place.
5. Where such submissions are presented, two copies should be provided, one for the file and one "working copy" for the Magistrate.



Judge Brendan Butler AM SC
Chief Magistrate
31 October 2008
