

PRACTICE DIRECTION NUMBER 12 OF 2013

PLANNING AND ENVIRONMENT COURT

CITATION OF AUTHORITY

1. This practice direction applies to the citation of case law, whether in written or oral submissions, by parties appearing in any matter before any division of the Court.

Purpose

2. The purpose of the practice direction is:
 - (a) to ensure that the Court is provided with the most authoritative and functional versions of the relevant authorities; and
 - (b) to encourage parties to limit their citation of authority to those judgments which are apt to assist the Court materially in resolving the real matters in dispute.

Citation

3. When citing a judgment to the Court:
 - (a) A citation of the judgment from a set of authorised reports is to be preferred.
 - (b) If no such report is available, a citation of the judgment from another set of accredited reports is to be preferred.
 - (c) If no such reports are readily available, an unreported version of the judgment may be cited.
 - (d) The medium neutral citation of a judgment (if any) should be provided.
 - (e) The particular passages in the judgment which are relied upon should be identified.
 - (f) Reference should also be made to any subsequent judgment which has doubted, or not followed, the cited judgment in a relevant respect.

Selectivity

4. In selecting the authorities to be cited to the Court, parties are encouraged:

- (a) to limit their citation to the authorities which are necessary to establish the principles or propositions which are relied upon;
 - (b) to avoid citing authorities which merely rephrase, illustrate or apply those principles or propositions in a way which is not apt to assist the Court materially in resolving the real matters in dispute.
5. An unreported judgment should not usually be cited unless it contains a statement of legal principle, or a material application of principle, which is not found in reported authority.

Definitions

6. A set of authorised reports is one which has been approved, by a relevant court, to publish the authoritative version of its judgments. For judgments of Australian courts, the authorised reports are currently:
- Commonwealth Law Reports (High Court of Australia)
 - Australian Capital Territory Law Reports (Supreme Court of the ACT)
 - Federal Court Reports (Federal Court of Australia)
 - New South Wales Law Reports (Supreme Court of NSW)
 - Northern Territory Law Reports (Supreme Court of NT)
 - Queensland Reports (Supreme Court of Queensland)
 - South Australian State Reports (Supreme Court of SA)
 - Tasmanian Reports (Supreme Court of Tasmania)
 - Victorian Reports (Supreme Court of Victoria)
 - Western Australian Reports (Supreme Court of WA).
7. A set of accredited reports is any set of published reports or notes of judgments which is accepted by the Court as providing a reliable record of the relevant judgment.

Chief Judge PM Wolfe
21 October 2013