



## Court of Appeal

### NOTICE TO PROFESSION\*

#### APPLICATIONS FOR EXTENSION OF TIME UNDER RULE 64.08 OF THE *SUPREME COURT (GENERAL CIVIL PROCEDURE) RULES 2015*

This note is published pursuant to r 64.24 of the *Supreme Court (General Civil Procedure) Rules 2015 (Rules)*.

**Important update: On 30 September 2019 the appeal period set out in rule 64.05(1) of the Rules will be amended (see rule 10 of the *Supreme Court (Court of Appeal E-Filing and Other Amendments) Rules 2019*). Accordingly, the approach set out below will not apply to any extension application filed on or after 30 September 2019, and all such applications will be considered in the usual way.**

On 28 February 2017 President Maxwell convened a civil appeals user group meeting. At that meeting senior practitioners advised that given the unpredictability of the handing down of civil judgments, trial counsel (or fresh counsel, to be retained for the appeal) are often not available immediately after judgment is delivered. This results in a delay before counsel are able to review the judgment, advise on prospects of an appeal and draw the written case. In the case of a long, fact-intensive judgment these difficulties may be exacerbated, affecting the quality of the application filed.

To address these concerns, for a trial period commencing on **1 May 2017 and ending on 29 September 2019**, the Court will automatically grant all applications, other than those concerning interlocutory decisions, for an extension of no more than 14 days to the time to file an application for leave to appeal or notice of appeal. Applications seeking an extension of 14 days or less will not require a supporting affidavit or submissions.

For the purposes of this notice, excluded interlocutory decisions include orders concerning:

- extensions of time, e.g. s 23A of the *Limitation of Actions Act*;
- discovery, including preliminary discovery;
- joinder, removal or substitution of a party;
- amendment or strike out of pleadings;
- summary dismissal of a proceeding;
- dismissal of, or refusal to dismiss a proceeding for want of prosecution;
- security for costs;

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\* This notice was amended on 10 September 2019 to confirm that the Court of Appeal will not automatically grant any extension application filed on or after 30 September 2019, and all such applications will be considered in the usual way.

- setting aside a statutory demand under s 459G of the *Corporations Act 2001*;
- a stay of part of a proceeding;
- an injunction, including interlocutory injunction, freezing or search order;
- a stay of execution of a judgment; and
- recusal of a judicial officer.

Applications filed before 30 September 2019 seeking an extension of more than 14 days will continue to be considered in the usual way.