



Notice to the Profession

Commencement of three region trial for duty (urgent) applications

3 February 2025

Duty (urgent) work is a significant and important part of the Federal Court of Australia's work. On 3 February 2025, the Court will commence a trial of a new approach to listing and determining duty (urgent) applications in all registries of the Court. The object of the trial is to seek to better manage the listing and determination of duty work in the context of the Court's National Court Framework which uses the individual docket structure. The model being trialled aims to achieve a more even distribution of the duty (urgent) work across all judges in all registries while ensuring sufficient resources are available to determine genuinely urgent applications quickly and by the most efficient means appropriate in the circumstances of the particular application. This notice explains how the trial model will operate.

On 31 January 2025, the Court published a new general practice note, which will apply during the trial period: [Duty \(Urgent\) Applications Interim Practice Note for 3 Region Trial \(GPN-DUTY\)](#). The trial will run for the 2025 and 2026 Court terms.

The GPN-DUTY practice note formalises some aspects of the Court's existing practice in relation to duty applications and also introduces a new requirement in the form of a certificate of urgency that must be provided in support of a duty application. The form of the certificate of urgency is set out in Annexure A to the GPN-DUTY practice note. An applicant or their legal representative must certify, amongst other things, that they have read and thoroughly familiarised themselves with the GPN-DUTY practice note. The certificate of urgency provided by the applicant will be considered by the relevant Duty Judge to determine whether a duty application is attended by sufficient urgency to justify the application (or part of the application) being determined by a Duty Judge on an urgent basis outside the usual Docket and/or Specialty List Arrangements.

During the trial period, the Court will monitor the new arrangements with a view to assessing whether the trial should be extended and/or modified. During the trial period, the Court welcomes feedback in relation to the trial. Practitioners may provide constructive feedback by emailing DutyTrial@fedcourt.gov.au. The Chief Justice will be communicating with professional associations about whether they are also able to provide collated feedback, and she will discuss this trial during her meetings with the profession at her 2025 FCA Registry visits.

The Court anticipates a consultation process with representatives of the profession after the end of the 2025 Court term. Any modifications to the arrangements that come out of this consultation will be trialled in the 2026 sitting period.

A decision as to whether to implement the new arrangements on a more permanent basis will be made following consultation with the profession at the end of 2026, when the trial is completed.

Three Duty Regions

During the trial, duty applications will be managed by reference to three duty regions. Each region is comprised of a number of registries and each region will operate according to its own independent duty roster:

- Region 1: the New South Wales and the Australian Capital Territory registries;
- Region 2: the Victorian, Queensland and Tasmanian registries; and

- Region 3: the Western Australian, South Australian and Northern Territory registries.

Due to the volume of duty applications filed in Region 1 and Region 2, each of these regions will operate two streams of duty: General Duty and Commercial and Corporations Duty. The two streams of duty will be run concurrently with at least one Duty Judge rostered on each stream for each day of the Court term. The demarcation between the types of applications that fall within each of these two streams is addressed in the GPN-DUTY practice note. If an applicant is in doubt as to whether an application is a General Duty Application or a Commercial and Corporations Duty Application, the application should first be brought to the attention of the General Duty Judge.

Due to the lesser volume of duty matters in Region 3, this region will operate one combined Duty Roster with at least one Duty Judge rostered on for each day of the Court term.

First point of contact for urgent applications

The Daily Court Lists will contain the names and contact details of the Duty Judge(s) rostered in the relevant region.

The Court will continue to operate its existing arrangements in relation to the first point of contact for urgent duty applications. This means that:

1. **Litigants in person:** Where an urgent application is made by a litigant in person contact must first be made with the Duty Registrar or after-hours Duty Registrar using the contact details published on the Daily Court List.
2. **Existing proceeding:** Where an urgent application is made in an existing proceeding, contact must first be made with the chambers of the Docket Judge or Case Management Judge.
3. **Business Hours:** Where an urgent application is first notified to the Court during business hours and where a legal practitioner is engaged to act – contact must first be made with the chambers of the relevant Duty Judge using the contact details published on the Daily Court List.
4. **After Hours:** Where an urgent application is first notified to the Court after hours and where a legal practitioner is engaged to act – contact is to be made with the after-hours Duty Registrar using the contact details published on the Daily Court List who will liaise with the chambers of the relevant Duty Judge.

Information to be provided to the Court

The GPN-DUTY practice note sets out the information an applicant (or their legal representative) must provide to the Court at the time of their initial contact with the Court. This includes the following information:

- a brief but substantive justification as to why the application is urgent and an outline of the nature of the application;
- information as to whether the application is in an existing proceeding, and if so, the steps taken to bring the matter before the Docket Judge or Case Management Judge;
- whether the applicant expects to file affidavit material (and if so, the details of that affidavit material to be filed);
- in terms of readiness, preferred time and date for a hearing;
- estimate of likely hearing time;
- any reason why the hearing is not suitable to proceed as a remote hearing, if in the opinion of the Duty Judge that would be the most efficient course;
- whether the application is to be made on notice or *ex parte*; and
- confirmation that the applicant has read the GPN-DUTY practice note.

Requirement to submit a Certificate of Urgency

An applicant seeking a hearing before a Duty Judge must demonstrate to the satisfaction of the Duty Judge that the application is genuinely urgent and must submit a 'Certificate of Urgency' to the Duty Judge's chambers at the time of making their application. The form of the Certificate is in Annexure A to the GPN-DUTY practice note.

Filing urgent applications

The GPN-DUTY practice note provides guidance on how urgent applications are to be filed (ideally via eLodgment, depending on the urgency of the matter).

Amendments to other existing Practice Notes

As a result of the introduction of the GPN-DUTY practice note, a range of consequential amendments will need to be made to existing Practice Notes in various National Practice Areas which address the making of urgent applications.

Consultation and feedback

The Court will monitor the operation of the new arrangements during the trial with a view to assessing whether it is meeting the objectives outlined above. As mentioned, the Court welcomes any constructive feedback from the profession during the operation of the trial, including suggestions for improvement.

Further updates on the trial will be published by the Court as appropriate.

D S Mortimer
Chief Justice
Date: 3 February 2025