

Family Court Practice Direction

Family Court of Australia Practice Direction 1 of 1993. Order 32A, Rules 6 & 7, Applications for Leave to Appeal:

1. As soon as practical after an application for leave to appeal has been filed, the Regional Appeals Registrar shall arrange for the application to be listed before a Judge of the Appeal Division for directions and notify each party of the time and date so arranged.

2. At such hearing, the Appeal Judge may give such directions as are appropriate for the hearing of the application, including: (a) a direction that the application be listed for hearing before the Full Court; (b) a direction that the hearing referred to in (a) above be argued together with the proposed appeal; (c) a direction pursuant to Rule 6 of Order 32A that the application be dealt with without an oral hearing.

3. Where the Judge of the Appeal Division gives a direction under paragraphs 2(a) and/or (b) the Judge may

give such other directions as to any further material to be filed or otherwise as is appropriate.

4. Where a direction is given pursuant to paragraph 2(c) hereof: (A) The applicant for leave to appeal should prepare written submissions: (a) divided into paragraphs numbered consecutively; (b) concisely stating: (i) the circumstances out of which the application arises; (ii) the contentions to be urged by the applicant for leave to appeal; (iii) the reasons relied upon; (c) which, so far as practicable, refer to matters in the copies of the appeal papers by page number, and not extract that matter; (d) signed by the legal representative who prepared them or, where they are not prepared by the legal representative, by or on behalf of the party on whose behalf they are signed, and (i) the name of the signatory; (ii) a telephone number at which the signatory can be contacted; and (iii) if available, the signatory's facsimile and Document Exchange numbers; should be typed or printed

in a neat and legible manner under the signature.

(B) The applicant shall within 14 days of the date on which the direction was given: (a) lodge with the Appeals Registrar three copies of the written submission; and (b) serve three copies on each other party to the application.

(C) The respondent shall within 14 days of the service upon him or her of the written submissions of the applicant: (a) lodge with the Appeals Registrar three copies of the written submissions prepared in accordance with paragraph (A) above; and (b) serve three copies on each other party to the application.

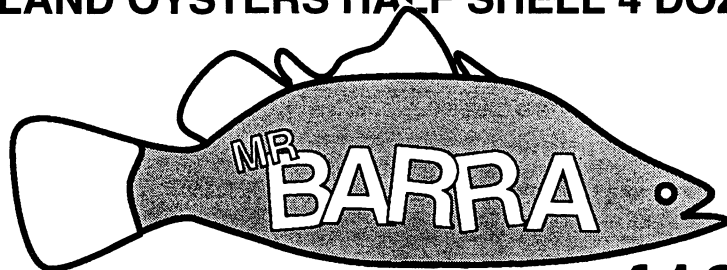
(D) The applicant may file and serve a concise response to the arguments of the respondent within seven days of the service upon him or her of the submission of the respondent.

5 NOTE: An answer filed in accordance with Rule 7 should not contain legal argument.

Dated: 26/1/93. Signed by the Chief Justice. Effective from 1/4/93

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